

# FEDERAL REGISTER

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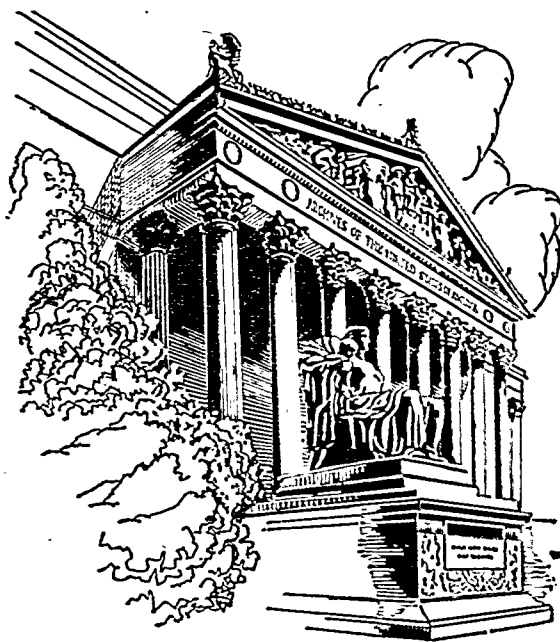
Thursday, December 17, 1970 • Washington, D.C.

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# List of CFR Parts Affected

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# Rules and Regulations

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

#### SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

[Docket No. C-1814]

### PART 13—PROHIBITED TRADE PRACTICES

#### Century Brick Corporation of America et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*: 13.15–270 *Size and extent*; § 13.50 *Dealer or seller assistance*; § 13.60 *Earnings and profits*; § 13.75 *Free goods or services*; § 13.85 *Government approval, action, connection or standards*: 13.85–27 *Federal Housing Administration*; § 13.185 *Refunds, repairs and replacements*; § 13.260 *Terms and conditions*. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1555 *Size, extent or equipment*; Misrepresenting oneself and goods: § 13.1608 *Dealer or seller assistance*; § 13.1615 *Earnings and profits*; § 13.1625 *Free goods or services*; § 13.1645 *Government standards or specifications*; § 13.1725 *Refunds*; § 13.1760 *Terms and conditions*. Subpart—Securing agents or representatives by misrepresentation: § 13.2120 *Dealer or seller assistance*; § 13.2130 *Earnings*; § 13.2132 *Exclusive territory*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Century Brick Corporation of America et al., Erie, Pa., Docket C-1814, Oct. 27, 1970]

*In the Matter of Century Brick Corporation of America, Century Bonded Products, Inc., Lancer Advertising Agency, Inc., First National Credit Corporation of America, Associated Leasing Corporation of America, Corporations, and Colman J. Seman, David C. Seman, and Fredrick P. Seman, Individually and as Officers or Directors of Said Corporations*

Consent order requiring five affiliated Erie, Pa., distributors of simulated brick facing and seamless floor-covering material to cease representing that investors in respondents' dealerships would get exclusive territories or be paid if territory was shared, that visits or training at respondents' home office would be paid by respondents, that a refund would be granted in case dealership discontinued, that taping machines and other equipment would be furnished free, that a dealer needs no prior skill, knowledge or training, that dealer will be furnished free sale literature or that products will be delivered to dealer's job site, and that

respondents' products have been approved by an agency of the Federal Government.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents, Century Brick Corporation of America, Century Bonded Products, Inc., Lancer Advertising Agency, Inc., First National Credit Corporation of America, and Associated Leasing Corporation of America, corporations, and their officers and directors, and Colman J. Seman and Fredrick P. Seman, individually and as officers or directors of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of simulated brick facing, seamless floor-covering material, or any other product, or any franchise, license, or dealership with respect thereto, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that persons investing in respondents' franchises, dealerships, or other products will be granted an exclusive territory in which to locate and sell products purchased from respondents unless respondents provide in all contracts or purchase agreements with dealers, franchisees, or purchasers of respondents' products, to whom such exclusive territories have been granted, a description of the size and limits of the territories, and a statement that no other investor, dealer, franchisee, or purchaser of the same products will be granted the same territory or any part thereof and respondents in all instances abide by such provisions.

2. Representing, directly or by implication, that a dealer will receive payment from respondents if additional dealers are permitted to do business within his designated territory, unless such payments are actually made by respondents.

3. Representing, directly or by implication, that any expenses, other than those actually paid by the respondents, for the dealer or his employee to visit and receive training at the respondents' home office or any other place will be paid by the respondents.

4. Representing, directly or by implication, that a dealer will receive any refund of the dealership fee or initial investment from the respondents if the dealer decides not to continue in said dealership, unless such refunds are actually made by the respondents.

5. Falsely representing, directly or by implication, that a representative of the respondents will be sent to assist a new dealer in the hiring and training of employees, securing job orders, establishing contacts and credit at local banks, or to assist or perform any other function

or service not actually performed and readily available to such dealers.

6. Representing, directly or by implication, that respondents will provide, free of charge, the taping machines used in the installation of respondents' products, unless such is actually provided on the represented terms and conditions; misrepresenting, in any manner, the machinery, equipment, or supplies furnished or made available to dealers or franchisees or the cost thereof.

7. Representing, directly or by implication, that respondents will provide dealers with sales leads obtained through national advertising or any other means, unless respondents are able to provide to each dealer a significant number of bona fide prospective buyers for respondents' products.

8. Representing, directly or by implication, that respondents will provide the dealer with the names and addresses of other active dealers or that respondents have many successful dealers, unless respondents have current information establishing the success of such dealers and provide such names and addresses as promised.

9. Representing, directly or by implication, that a dealer needs no skill, knowledge, or prior training, or experience to operate a successful dealership, unless the prospective dealer is fully apprised of all facts and responsibilities of operating such a dealership.

10. Misrepresenting, in any manner, the assistance furnished or made available to the dealer.

11. Falsely representing that respondents are building warehouses at various locations, operating or maintaining a marble-crushing plant or manufacturing and marketing prefabricated homes; or misrepresenting, in any manner, the size or kind of respondents' business organization.

12. Representing, directly or by implication, that respondents will provide dealers with free sales literature, when in fact such sales literature is not free; or misrepresenting, in any manner, the cost of sales literature to dealers.

13. Representing, directly or by implication, that respondents' products will be delivered to the dealer's job site at any cost other than the actual one.

14. Falsely representing, directly or by implication, that respondents' products are approved by the Federal Housing Administration, the General Services Administration, or any agency of the U.S. Government; or misrepresenting, in any manner, the acceptance or approval of respondents' products.

15. Representing that dealers will earn any stated amount; or representing, in any manner, the past earnings of dealers, unless in fact, the past earnings represented are those of a substantial number of dealers and accurately reflect the average earnings of these dealers under circumstances similar to those of the

dealer to whom the representation is made.

16. Representing, directly or by implication, that dealers will be supplied with respondents' products within a reasonable time after they are ordered, unless such is actually the fact.

17. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' product dealerships and failing to secure from each such salesman or other persons a signed statement acknowledging receipt of said order.

*It is further ordered,* That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

*It is further ordered,* That respondents notify the Commission at least thirty (30) days prior to any proposed change in a corporate respondent, such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in a corporation which may affect compliance obligations arising out of the order.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: October 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 70-16965; Filed, Dec. 16, 1970;  
8:49 a.m.]

[Docket No. C-1517]

### PART 13—PROHIBITED TRADE PRACTICES

#### General Nutrition Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service*: 13.170–52 Medicinal, therapeutic, healthful, etc.; 13.170–64 Nutritive.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, General Nutrition Corp. et al., Pittsburgh, Pa., Docket C-1517, Nov. 4, 1970]

*In the Matter of General Nutrition Corp., a Corporation, Also Trading as Natural Sales Co., and David B. Shakkarian, Individually and as an Officer of Said Corporation*

Order modifying a previous consent order dated April 4, 1969, 34 F.R. 7276, which prohibited a drug company from making certain claims for the nutritional significance of vitamin and mineral ingredients.

The modified order to cease and desist, is as follows:

*It is ordered,* That paragraph 2 of the Commission's order dated April 4, 1969 be, and it hereby is, modified to read as follows:

2. Disseminating, or causing to be disseminated, by means of the U.S. mails

or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement of a product which is advertised or promoted for sale by reason of its vitamin and/or mineral content, which lists, or otherwise refers to as an ingredient, except in the name of such product, any ingredient, the need for which in human nutrition has not been established, or any ingredient whose presence in the preparation is without nutritional significance, unless the advertisement also discloses clearly and conspicuously, in immediate or close proximity, and with equal prominence, that the presence of such ingredient in such preparation is without nutritional significance; nor shall any representation be made that the need for such an ingredient in such product for human nutrition has been established.

For the purposes of enforcement of this paragraph, any regulation by the Food and Drug Administration, in full force and effect, which affirmatively permits claims for nutritional significance of a vitamin or mineral in a specified amount in a product labeled for use as a food supplement, will be accepted as evidence that the presence of that amount of the specified nutrient has nutritional significance.

Issued: November 4, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 70-16966; Filed, Dec. 16, 1970;  
8:50 a.m.]

[Docket No. C-1813]

### PART 13—PROHIBITED TRADE PRACTICES

#### Pool City, Inc., and Norman Schulman

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing*: 13.71–10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements*: 13.73–92 Truth in Lending Act; § 13.155 *Prices*: 13.155–95 *Terms and conditions*: 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements*: 13.1623–95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions*: 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions*: 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Pool City, Inc., et al., Chevy Chase, Md., Docket C-1813, Oct. 26, 1970]

*In the Matter of Pool City, Inc., a Corporation, and Norman Schulman, Individually and as an Officer of said Corporation.*

Consent order requiring a Chevy Chase, Md., corporation engaged in the

construction and sale of residential swimming pools to cease violating the Truth in Lending Act by failing to disclose in terminology prescribed by Regulation Z the annual percentage rate, all charges included in the deferred payment price, the number of payments required, and all applicable disclosures required; and also to cease making statements that there is no charge for credit unless it states the cash price, the amount of downpayment, the number, amount, and due date of the payments, the finance charge in annual percentage rate, and the deferred payment charge.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Pool City, Inc., a corporation, and its officers, and Norman Schulman, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing, in any consumer credit transaction, to disclose the annual percentage rate accurately to the nearest quarter of 1 percent, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

2. Failing, in any consumer credit transaction, to disclose accurately the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

3. Failing, in any consumer credit transaction, to disclose the number of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

4. Failing, in any consumer credit transaction, to make all applicable disclosures required to be made by § 226.8 of Regulation Z, in the form and manner prescribed therein.

5. Stating, in any advertisement, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless it states all of the following items in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(a) The cash price;  
(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate; and

(e) The deferred payment price.

6. Failing, in any advertisement, to make all disclosures in the manner, form and amount required by § 226.10 of Regulation Z.

*It is further ordered*, That a copy of this order to cease and desist be delivered to all present and future personnel of respondents engaged in the consummation of any consumer credit transaction or any aspect of preparation, creation, or placing of advertising, and failing to secure from each such person a signed statement acknowledging receipt of said order.

*It is further ordered*, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resultant in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered*, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: October 26, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 70-16967; Filed, Dec. 16, 1970;  
8:50 a.m.]

[Docket No. C-1816]

### PART 13—PROHIBITED TRADE PRACTICES

Samuel Shindler and Bugle Toy Manufacturing Co.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Samuel Shindler et al., Pawtucket, R.I., Docket C-1816, Nov. 2, 1970]

*In the Matter of Samuel Shindler, an Individual Trading as Bugle Toy Manufacturing Co.*

Consent order requiring a Pawtucket, R.I., distributor of various party products including paper hula skirts to bring such skirts within the applicable flammability standards of the Flammable Fabrics Act or destroy said skirts.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondent Samuel Shindler, individually and trading as

Bugle Toy Manufacturing Co., or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material, fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

*It is further ordered*, That the respondent herein shall, within ten (10) days after service upon it of this order, file with the Commission an interim special report in writing setting forth the respondent's intentions as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof, and (3) any disposition of such product since January 16, 1970. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of paper, silk, cotton, rayon, acetate and nylon, acetate and rayon, or combinations thereof in a weight of 2 ounces or less per square yard or fabric with a raised fiber surface made of cotton or rayon or combinations thereof. Respondent will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of no less than 1 square yard of material.

*It is further ordered*, That the respondent herein either process the hula skirts which gave rise to this complaint so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said hula skirts.

*It is further ordered*, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: November 2, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 70-16968; Filed, Dec. 16, 1970;  
8:50 a.m.]

[Docket No. C-1815]

### PART 13—PROHIBITED TRADE PRACTICES

Unique Industries, Inc., and Everett Novak

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Unique Industries, Inc., et al., Philadelphia, Pa., Docket C-1815, Nov. 2, 1970]

*In the Matter of Unique Industries, Inc., a Corporation, and Everett Novak, Individually and as an Officer of Said Corporation.*

Consent order requiring a Philadelphia, Pa., seller of novelty items and party favors to cease selling or distributing wood chips leis unless they are within the applicable flammability standards of the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Unique Industries, Inc., a corporation, and its officers, and Everett Novak, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from the advertising, offering for sale, sale or distribution of wood chip leis in commerce, as "commerce" is defined in the Federal Trade Commission Act, unless and until said wood chip leis or wood chip products are flameproofed to such an extent that they will not ignite, burn or glow.

*It is further ordered*, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of such products, and effective recall of such products from said customers.

*It is further ordered*, That the respondents herein either process the fabrics which gave rise to this complaint and any wearing apparel made from said fabrics so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said fabrics or any wearing apparel made therefrom.

*It is further ordered*, That the respondents herein shall within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product or related material which gave rise to the complaint (1) the number of such products in inventory, (2) any action taken and any further actions proposed to be taken to notify customers of the flammability of such products and of the results of

such actions, (3) any disposition of such products since December 15, 1969, and (4) any action taken or proposed to be taken to flameproof or destroy such products and the results of such action.

*It is further ordered,* That respondents notify the Commission at least thirty (30) days after any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered,* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 2, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 70-16969; Filed, Dec. 16, 1970;  
8:50 a.m.]

[Docket No. C-1817]

### PART 13—PROHIBITED TRADE PRACTICES

#### Washington Careers, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages or connections*: 13.15-30 *Connections or arrangements with others*; § 13.270 *Size and extent*; § 13.115 *Jobs and employment service*; § 13.170 *Qualities or properties of product or service*; 13.170-35 *Educational, informative, training*. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others*; § 13.1555 *Size, extent or equipment*; Misrepresenting oneself and goods—Goods: § 13.1670 *Jobs and employment*; § 13.1710 *Qualities or properties*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Washington Careers, Inc., et al., Washington, D.C., Docket C-1817, Nov. 5, 1970]

*In the Matter of Washington Careers, Inc., a Corporation, Trading as Juliet Gibson Career College and Finishing School, and Richard A. Parrott and R. Wade Murphree, Individually and as Officers of Said Corporation*

Consent order requiring a Washington, D.C., school of fashion merchandising, professional modeling and secretarial skills to cease misrepresenting that it is affiliated with the Juliet Gibson Corp. or any nationwide chain, misrepresenting its placement and tutoring facilities, failing to disclose additional obligations connected with its courses, misrepresenting that its courses qualify students to be airline hostesses, and misrepresenting

that its curriculum or methods of instruction are on the college level.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondents Richard A. Parrott, and R. Wade Murphree individually and their agents, representatives and employees in connection with the advertising, offering for sale, sale or distribution of any course of instruction or any other service or product, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents are associated or affiliated with, or are a franchisee of Juliet Gibson Corp.; or misrepresenting, in any manner, respondents' trade or business connections, associations, affiliations or identity.

2. Representing, directly or by implication, that respondents are a part of a national corporation, or that they are a part of a nationwide chain which operates career schools in major cities in the United States; or misrepresenting, in any manner, the size, scope, or extent of respondents' business.

3. Representing, directly or by implication, that respondents' school or respondents' courses have been accredited, unless such is the fact.

4. Misrepresenting, in any manner, the building or facilities which respondents have or made available for student use.

5. Representing, directly or by implication, that respondents provide a placement service which places a significant number of students or graduates in positions for which they have been trained unless such is the fact; or misrepresenting, in any manner, their capabilities or facilities for assisting students or graduates in finding employment, or the assistance actually afforded students or graduates in obtaining employment.

6. Representing, directly or by implication, availability of jobs or the positions available to graduates of respondents' school as the result of the training afforded the students by respondents unless such is the fact.

7. Representing, directly or by implication, that individual tutoring will be provided to those students having difficulty with their classwork upon request unless such is the fact; or misrepresenting, in any manner, the assistance provided students during their enrollment at respondents' school.

8. Representing, directly or by implication, that there is any urgency or need for haste in enrolling in any class unless such is the fact; or that enrollment in any class will not be permitted after a class has commenced, unless respondents refuse in every instance to allow enrollment after commencement of a class.

9. Advertising or soliciting enrollment in any course of instruction when there is any limitation or additional obligation imposed or attempted to be imposed upon enrollment in that course without clearly disclosing such limitation or additional obligation in any advertisement and during any solicitation.

10. Representing, directly or by implication, that the subjects taught by re-

spondents are equivalent to college level subjects, unless such is the fact; or misrepresenting, in any manner, the level of training afforded students through any subject or course of instruction, or the comparability of any subject or course of instruction given by respondents with any other school.

11. Representing, directly or by implication, that students will receive instruction in conversational Spanish or that students will receive training through practical exercise in fencing or modern dance unless such is the fact; or misrepresenting, in any other manner, the curriculum, subjects, method of instruction or training that students receive.

12. Representing, directly or by implication, that respondents offer courses of instruction which qualify students to be airline stewardesses; or misrepresenting in any manner, the position or positions which a student will be qualified for as the result of attending any course which respondents offer.

13. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' courses or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 5, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 70-16970; Filed, Dec. 16, 1970;  
8:50 a.m.]

### SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

#### PART 501—EXEMPTIONS FROM REQUIREMENTS AND PROHIBITIONS UNDER PART 500

##### Paper Table Covers, Sheets, and Pillow Cases

The Federal Trade Commission on October 8, 1970 (35 F.R. 15843), proposed § 501.5 of the Fair Packaging and Labeling Act regulations which would exempt table covers, bed sheets, and pillow cases fabricated from paper from certain mandatory requirements of § 500.12 of the regulations. As proposed, paper table covers, bed sheets, and pillow cases would not be required to express area or dimensions in largest whole units of length and width, but would require these commodities to express actual length and width in inches. This is in keeping with the convention of measuring textile articles of the same categories in inches.

In response to the invitation to comments suggested that the proposed exemption be extended to these commodities when fabricated from textiles,

# Title 13—BUSINESS CREDIT AND ASSISTANCE

## Chapter I—Small Business Administration

### PART 121—SMALL BUSINESS SIZE STANDARDS

#### Definition of Terms "Annual Sales" and "Annual Receipts"

On October 8, 1970, there was published in the FEDERAL REGISTER (35 F.R. 15844), a notice that the Small Business Administration proposed to change the definition of the terms "annual sales" and "annual receipts" as used in various definitions of small business in Part 121.

Interested parties were given 15 days in which to submit written statements of facts, opinions and arguments concerning the proposed changes. After consideration of all comments submitted and all other relevant matter in connection with the proposal it has been determined to adopt the changes as proposed.

Accordingly the amendment set forth below is hereby adopted:

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by:

1. Substituting the term "annual receipts" for the terms "annual sales" and "annual sales or receipts" wherever they appear in various definitions of small business, and

2. Revising § 121.3-2(b) to read as follows:

§ 121.3-2 Definition of terms used in this part.

(b) "Annual receipts" means the gross income (less returns and allowances, sales of fixed assets and interaffiliate transactions) of a concern (and its affiliates) from sales of products and services, interest, rents, fees, commissions, and/or from whatever other source derived, as entered on its regular books of account for its most recently completed fiscal year (whether on a cash, accrual, completed contracts, percentage of completion, or other acceptable accounting basis) and reported or to be reported to the U.S. Treasury Department, Internal Revenue Service, for Federal income tax purposes.

**Effective date.** This amendment shall become effective thirty (30) days after publication in the FEDERAL REGISTER provided however that, for the purpose of Government procurement, it shall apply only to procurements for which invitations for bids or request for proposals are issued on or after such effective date.

Dated: December 10, 1970.

HILARY SANDOVAL, Jr.,  
Administrator.

[F.R. Doc. 70-16952; Filed, Dec. 10, 1970; 8:48 a.m.]

# Title 49—TRANSPORTATION

## Chapter X—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-19 (Sub-No. 11)]

### PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

#### Practices of Motor Common Carriers of Household Goods

**Order.** At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of November 1970.

It appearing, that by petition filed June 16, 1970, in Ex Parte No. MC-19 (Sub-No. 11), American Movers Conference requests the Commission to institute a rulemaking proceeding for the purpose of amending 49 CFR 1056.3, 1056.6(a) (1) and (b), 1056.7, 1056.8 (a) and (b), 1056.9(a) (3) and (5), 1056.10(b) (1), and 1056.11;

It further appearing, that investigation of the matters and things involved in these proceedings has been made and that the Commission has made and filed its report herein containing its findings of facts and conclusions thereon, which report is hereby referred to and made a part hereof:

It is ordered, That the petition in Ex Parte No. MC-19 (Sub-No. 11) be, and it is hereby, denied.

It is further ordered, That, on the Commission's own motion, the following section of Part 1056 of Chapter X of Title 49 of the Code of Federal Regulations, Transportation of Household Goods in Interstate or Foreign Commerce, be, and it is hereby, supplemented and modified so as to add after § 1056.11(b) (12) the following:

§ 1056.11 Vehicle-load manifest; information required.

(b) . . . . .

(13) Each motor common carrier may, at its option, increase or decrease the number of horizontal lines in part B of the form specified herein: *Provided, however*, That the number of horizontal lines in such part shall not be less than 16 nor more than 35.

It is further ordered, That the amendment specified in the next preceding paragraph be, and it is hereby, prescribed to become effective November 1970, and will apply only on household goods removed from the shipper's premises on and after the said effective date.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[F.R. Doc. 70-16973; Filed, Dec. 16, 1970; 8:50 a.m.]

plastics, or fiberglass. It is to be noted that textiles in general are already outside the scope of the definition of "consumer commodity" and thus excluded from coverage under the Act. Likewise, plastic table cloths (covers) are also not "consumer commodities" within the meaning of the Act. A fiberglass table cover would be considered a durable commodity. Thus, the Commission notes there is no necessity to extend the proposed § 501.5 to embrace more than the defined subjects fabricated from paper.

Having considered the comments and all relevant data, the Commission has concluded that the exemption as proposed should be adopted without changes.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5, 6, 80 Stat. 1298, 1299, 1300; 15 U.S.C. 1454, 1455), Part 501 of Subchapter E is amended by adding the following new section:

§ 501.5 Paper table covers, bedsheets, pillowcases.

Table covers, bedsheets, and pillowcases, fabricated from paper, are exempt from the requirements of § 500.12 of this chapter which specifies the expression of measurement of bidimensional commodities: *Provided*, That such commodities shall clearly present their actual length and width in terms of inches.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written objections thereto, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Objections will be deemed sufficient to warrant the holding of a public hearing only: (1) If they establish that the objector will be adversely affected by the order; (2) if they specify with particularity the provisions of the order to which objection is taken; and (3) if they are supported by reasonable grounds which if valid and factually supported may be adequate to justify the relief sought. Anyone who files objections which are not deemed by the Commission sufficient to warrant the holding of a public hearing will be promptly notified of that determination.

As soon as practicable after the time for filing objections has expired, the Commission will publish a notice in the FEDERAL REGISTER specifying those parts of the order which have been stayed by the filing of objections or, if no objections sufficient to warrant the holding of a public hearing have been filed, stating the fact. This order shall become effective 30 days following the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of valid objections.

Issued: December 10, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 70-16905; Filed, Dec. 16, 1970; 8:45 a.m.]



# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

Part 213 is revised to read as follows:

#### Subpart A—General Provisions

- Sec.  
213.101 Definitions.  
213.102 Identification of positions in Schedule A, B, or C.

#### Subpart B—[Reserved]

#### Subpart C—Excepted Schedules

##### SCHEDULE A

- 213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.  
213.3102 Entire executive civil service.  
213.3103 Executive Office of the President.  
213.3104 Department of State.  
213.3105 Treasury Department.  
213.3106 Department of Defense.  
213.3107 Department of the Army.  
213.3108 Department of the Navy.  
213.3109 Department of the Air Force.  
213.3110 Department of Justice.  
213.3111 Post Office Department.  
213.3112 Department of the Interior.  
213.3113 Department of Agriculture.  
213.3114 Department of Commerce.  
213.3115 Department of Labor.  
213.3116 Department of Health, Education, and Welfare.  
213.3121 National Security Council.  
213.3123 Cabinet Committees on Opportunities for Spanish-Speaking People.  
213.3124 Board of Governors, Federal Reserve System.  
213.3126 Office of Emergency Preparedness.  
213.3127 Veterans Administration.  
213.3128 U.S. Information Agency.  
213.3129 Federal Power Commission.  
213.3130 Securities and Exchange Commission.  
213.3132 Small Business Administration.  
213.3133 Federal Deposit Insurance Corporation.  
213.3135 National Capital Housing Authority.  
213.3136 U.S. Soldiers' Home.  
213.3137 General Services Administration.  
213.3138 Federal Communications Commission.  
213.3139 U.S. Tariff Commission.  
213.3141 National Labor Relations Board.  
213.3142 Export-Import Bank of the United States.  
213.3143 Farm Credit Administration.  
213.3146 Selective Service System.  
213.3147 Federal Mediation and Conciliation Service.  
213.3148 National Aeronautics and Space Administration.  
213.3149 Panama Canal Company, New Orleans.  
213.3153 District of Columbia Government.  
213.3154 Federal Home Loan Bank Board.  
213.3156 Commission on Civil Rights.  
213.3158 Franklin Delano Roosevelt Memorial Commission.  
213.3161 James Madison Memorial Commission.  
213.3162 National Aeronautics and Space Council.  
213.3165 President's Advisory Committee on Labor-Management Policy.  
213.3170 Civil Service Commission.  
213.3178 Atlantic-Pacific Inter-oceanic Canal Study Commission.  
213.3182 National Foundation on the Arts and the Humanities.

- Sec.  
213.3184 Department of Housing and Urban Development.  
213.3187 District of Columbia Redevelopment Land Agency.  
213.3190 Commission on Marine Science, Engineering, and Resources.  
213.3194 Department of Transportation.  
213.3195 President's Temporary Commission on Pennsylvania Avenue.  
213.3199 Temporary boards and commissions.

##### SCHEDULE B

- 213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.  
213.3202 Entire executive civil service.  
213.3204 Department of State.  
213.3205 Treasury Department.  
213.3206 Department of Defense.  
213.3209 Department of the Air Force.  
213.3210 Department of Justice.  
213.3211 Post Office Department.  
213.3212 Department of the Interior.  
213.3214 Department of Commerce.  
213.3215 Department of Labor.  
213.3216 Department of Health, Education, and Welfare.  
213.3228 United States Information Agency.  
213.3229 Federal Power Commission.  
213.3242 Export-Import Bank of the United States.  
213.3246 Selective Service System.  
213.3253 District of Columbia Government.  
213.3268 Agency for International Development.  
213.3273 Office of Economic Opportunity.  
213.3276 Appalachian Regional Commission.

##### SCHEDULE C

- 213.3301 Positions of a confidential or policy-determining character.  
213.3301a Special revocation of exceptions.  
213.3303 Executive Office of the President.  
213.3304 Department of State.  
213.3305 Treasury Department.  
213.3306 Department of Defense.  
213.3307 Department of the Army.  
213.3308 Department of the Navy.  
213.3309 Department of the Air Force.  
213.3310 Department of Justice.  
213.3311 Post Office Department.  
213.3312 Department of the Interior.  
213.3313 Department of Agriculture.  
213.3314 Department of Commerce.  
213.3315 Department of Labor.  
213.3316 Department of Health, Education, and Welfare.  
213.3317 Overseas Private Investment Corporation.  
213.3322 Interstate Commerce Commission.  
213.3325 The Tax Court of the United States.  
213.3326 Office of Emergency Preparedness.  
213.3327 Veterans Administration.  
213.3328 U.S. Information Agency.  
213.3329 Federal Power Commission.  
213.3330 Securities and Exchange Commission.  
213.3331 National Mediation Board.  
213.3332 Small Business Administration.  
213.3333 Federal Deposit Insurance Corporation.  
213.3334 Federal Trade Commission.  
213.3337 General Services Administration.  
213.3339 U.S. Tariff Commission.  
213.3340 Civil Aeronautics Board.  
213.3341 National Labor Relations Board.  
213.3342 Export-Import Bank of the United States.  
213.3343 Farm Credit Administration.  
213.3345 Indian Claims Commission.  
213.3346 Selective Service System.  
213.3348 National Aeronautics and Space Administration.

- Sec.  
213.3350 Foreign Claims Settlement Commission of the United States.  
213.3351 Subversive Activities Control Board.  
213.3354 Federal Home Loan Bank Board.  
213.3355 The Renegotiation Board.  
213.3356 Commission on Civil Rights.  
213.3364 U.S. Arms Control and Disarmament Agency.  
213.3367 Federal Maritime Commission.  
213.3368 Agency for International Development.  
213.3371 President's Committee on Consumer Interest.  
213.3372 Administrative Office of the U.S. Courts.  
213.3373 Office of Economic Opportunity.  
213.3374 Smithsonian Institution.  
213.3376 Appalachian Regional Commission.  
213.3377 Equal Employment Opportunity Commission.  
213.3382 National Foundation on the Arts and the Humanities.  
213.3384 Department of Housing and Urban Development.  
213.3385 President's Council on Youth Opportunity.  
213.3386 Regional Commissions, Public Works and Economic Development Act of 1965.  
213.3394 Department of Transportation.

AUTHORITY: The provisions of this Part 213 issued under 5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR, 1954-1958 Comp.

#### Subpart A—General Provisions

##### § 213.101 Definitions.

In this chapter:

(a) Excepted service has the meaning given that term by section 2103 of title 5, United States Code, and includes all positions in the executive branch of the Federal Government which are specifically excepted from the competitive service by or pursuant to statute, by the President, or by the Commission under § 6.1 or § 9.20 of the civil service rules (Subchapter A of this chapter).

(b) "Excepted position" means a position in the excepted service.

##### § 213.102 Identification of positions in Schedule A, B, or C.

The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C.

#### Subpart B—[Reserved]

#### Subpart C—Excepted Schedules

##### SCHEDULE A

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.

(a) The positions enumerated in §§ 213.3102 to 213.3199 are positions other than those of a confidential or policy-determining character for which it is not practicable to examine and which are excepted from the competitive service and constitute Schedule A.

(b) An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position listed in Schedule A for summer or student employment within the United States. This prohibition does not



apply to the appointment of persons (1) who are eligible for placement assistance under the Commission's Displaced Employee (DE) Program, (2) who are employed to meet urgent needs resulting from an emergency posing an immediate threat to life or property, or (3) who are members of families which are eligible to receive financial assistance under a public welfare program or the total income of which in relation to family size does not exceed limits established by the Commission and published in the Federal Personnel Manual.

(c) An agency may appoint for summer employment within the United States in positions listed in Schedule A only in accordance with the terms of the Commission's summer employment program. This restriction does not apply to positions that are excepted only when filled by particular types of individuals.

(d) In this section "summer employment" means any employment beginning after May 12 which will end before October 1 of the same year. "Student employment" means the employment of persons who are enrolled or who have been accepted for enrollment, on a substantially full-time basis, as resident students of a secondary school or of an institution of higher learning; a resident student, for this purpose, is a student in actual physical attendance at a school as distinguished from a correspondence student.

**§ 213.3102 Entire executive civil service.**

(a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations such as hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment which was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any position the duties of which are part-time or intermittent in which the appointee will receive compensation during his service year that aggregates not more than 40 percent of the annual salary rate for the first step of GS-3. This limitation on compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority shall not be for job employment. In the metropolitan area of Washington, D.C., appointments under this authority shall

be subject to the prior approval of the Commission.

(h) Subject to prior approval by the Commission, positions in Federal mental institutions when filled by persons who have been patients of such institutions and been discharged and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Subject to prior approval of the Commission, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., position excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond 1 year, and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(j) [Reserved]

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of the Commission where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (l) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, and Interior, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by the Commission that this authority is applicable, for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(o) Positions of a scientific, professional or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(p) Positions of a scientific, professional, or analytical nature when filled

by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(q) Temporary or intermittent positions at GS-7 and below when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be (1) bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed; or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision (1) in a position of a routine clerical type; or (2) in excess of 1,040 working hours a year; except that the 1,040-working-hours-a-year limitation shall not apply to persons employed under this provision in positions at GS-5 and below which are established in connection with an organized work-study program involving alternating periods of work experience and related study at an accredited college or university in a cooperative curriculum in which the work experience is a prerequisite to the award of a degree. Appointments under this authority may be made only to positions for which qualification standards established under part 302 of this chapter are consistent with the education and experience standards established for comparable positions in the competitive service.

(r) All positions of a project nature when filled by individuals the salaries for whom are paid out of funds allocated by the President under authority of Public Law 87-658, approved September 14, 1962, the Public Works Acceleration Act. Employment under this authority shall be for a temporary period not to exceed one year.

(s) [Reserved]

(t) Positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the Commission. Provisions to be included in such agreements are specified in the Federal Personnel Manual.

(u) Subject to prior approval of the Commission, positions when filled by severely handicapped persons who, under temporary appointment, have demonstrated their ability to perform the duties satisfactorily.

(v) Temporary Summer Aid positions whose duties involve work of a routine nature not regularly covered under the General Schedule and requiring no specific knowledge or skills, when filled by youths appointed for summer employment under such economic or educational needs standards as the Commission may

prescribe. A person may not be appointed unless he has reached his 16th but not his 22d birthday, or employed for more than 700 hours under this paragraph. This paragraph shall apply only to positions whose pay is fixed at the equivalent of the minimum wage rate established by the Fair Labor Standards Amendments of 1966 (currently \$1.60 an hour), at the equivalent of an applicable State or municipal minimum wage rate if that is higher, or by prior agreement with the Commission, at some other rate, when an agency is precluded by law from fixing pay at one of the foregoing rates.

(v) Part-time or intermittent positions the duties of which involve work of a routine nature when filled by students appointed in furtherance of the President's Youth Opportunity Stay-in-School Campaign and when the following conditions are met: (1) Appointees are enrolled in or accepted for enrollment in a resident secondary school or institution of higher learning, accredited by a recognized accrediting body; (2) employment does not exceed 16 hours in any calendar week (40 hours in any calendar week which falls within a vacation period); (3) while employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer; (4) appointees need the earnings from the employment to continue in school; and (5) salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance. Appointments under this authority may not extend beyond 1 year: Provided, That such appointments may be extended for additional periods of not to exceed 1 year each if the conditions for initial appointment are still met. A person may not be appointed under this authority unless he has reached his 16th but not his 22nd birthday. No new appointments may be made under this authority between May 1 and August 31, inclusive.

(x) Subject to prior approval of the Commission, positions for which a local recruiting shortage exists when filled by inmates of Federal and District of Columbia penal and correctional institutions under work release programs authorized by the Prisoner Rehabilitation Act of 1965 and the District of Columbia Work Release Act. Initial appointments under this authority may not exceed one year. An initial appointment may be extended for one or more periods not to exceed one additional year each with the prior approval of the Commission upon a finding that the inmate is still in a work release status and that a local recruiting shortage still exists. No person may serve under this authority longer than one year beyond the date he is released from custody.

(y) Positions at grade GS-2 and below for summer employment, as defined in § 213.3101(d), of assistants to scientific, professional, and technical employees, when filled by finalists in national science contests under hiring programs approved by the Commission.

(z) Not to exceed 30 positions of assistants to top-level Federal officials

when filled by persons designated by the President as White House Fellows.

(aa) Scientific and professional research associate positions at GS-12 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its post-doctoral research associate program and may be made initially for 1 year only. An agency may extend an appointment made under this authority for up to one additional year when the program committee at the laboratory concerned determines that extension will benefit both the associate and the laboratory.

(bb) Subject to prior approval of the Commission, positions when filled by aliens in the absence of qualified citizens.

(cc) Positions at GS-15 and below when filled by persons identified as Interchange Executives by the President's Commission on Personnel Interchange. Appointments made under this authority may not extend beyond 2 years.

#### § 213.3103 Executive Office of the President.

(a) *Office of Science and Technology.* (1) All professional positions on the Staff of the Office.

(b) *National Council on Marine Resources and Engineering Development.* (1) All positions on the Council staff.

(c) *Council on Environmental Quality.* (1) Professional and technical positions on the staff of the Council in grades GS-11 through 15. No new appointments may be made under this authority after June 30, 1971.

(d) *Office of Special Assistance to the President.* (1) Positions at grades GS-15 and below to which appointments are made by the Vice President.

(e) *Office of Telecommunications Policy.* (1) Professional positions in grades GS-13 through 15 on the staff of the Office.

#### § 213.3104 Department of State.

(a) *Office of the Secretary.* (1) Six physical science administration officers at GS-14 and above in International Scientific and Technological Affairs.

(2) Six positions of Member of the Executive Secretariat.

(3) Chief, Reports and Operations Staff, Executive Secretariat.

(4) Four Assistants to the Executive Secretary, Executive Secretariat.

(5) Executive Officer, Executive Secretariat.

(6) Chief, Correspondence Review Staff, Executive Secretariat.

(b) *Bureau of Intelligence and Research.* (1) Not to exceed 35 professional and technical positions.

(2) Two professional positions in the Division of Intelligence Acquisition and Distribution.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gage readers employed part time or intermittently at isolated localities when, in the opinion of the

Commission, appointment through competitive examination is impracticable.

(d) *International Boundary Commission, United States and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axmen, for not to exceed 130 working days or 6 months within any 1 calendar year.

(e) *Office of the Assistant Secretary for Public Affairs.* (1) Chief, Public Studies Division.

(2) Chief, Public Services Division.

(3) Chief, Historical Division.

(4) One Special Assistant to the Chief, News Division.

(5) One Special Assistant to the Deputy Assistant Secretary (Domestic Affairs).

(f) *Bureau of International Organization Affairs.* (1) One Special Assistant to the Assistant Secretary.

#### § 213.3105 Treasury Department.

(a) [Reserved]

(b) *Bureau of Customs.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) [Reserved]

(3) Positions of part-time, intermittent, or temporary Customs Inspectors and Port Directors in Alaska paid at a rate not above GS-9 and for not more than 130 working days in a service year.

(4) Positions of day "pickup" laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pickup" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at GS-9 and below of Customs Enforcement Officer, Customs Inspector, Customs Marine Clerk/Officer, Customs Aid (sampling), Customs Warehouse Officer, Port Director, Interpreter, and Laborer, with duties of a continuing nature that require the part-time or intermittent service of an employee for not more than 700 hours in his service year. An individual appointed under this exception may not be employed in the Bureau of Customs under a combination of this and any other exception for more than 700 hours in his service year.

(6) Twenty-five positions of Criminal Investigator for special assignments.

(7) [Reserved]

(8) Staff assistant positions established to aid in the reorganization of the Bureau of Customs under Reorganization Plan No. 1 of 1965, when filled by persons with 1 year or more of current service as a Presidential appointee in a key position in the Bureau. No person

may be employed under this paragraph in excess of 3 years.

(c) [Reserved]

(d) [Reserved]

(e) *Internal Revenue Service.* (1) Fifty positions of investigator for special assignments.

(f) *Office of the Assistant Secretary for International Affairs.* (1) Not to exceed 10 positions in the Research and Planning Office at the equivalent of GS-13 through GS-17 to supplement the permanent staff in the study of complex problems relating to international financial and economic policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

§ 213.3106 Department of Defense.

(a) *Office of the Secretary.* (1) Five Special Advisers in the immediate office of the Secretary or Deputy Secretary with responsibility for studies and recommendations in broad program areas. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(2) Positions assigned exclusively to Communications Intelligence Activities.

(3) Positions assigned to or in support of special classified training activities.

(4) Three Staff Assistants.

(5) Director, Intelligence Resources and Programs; OASD (Administration)

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in attache systems overseas, including all professional and scientific positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(c) *Interdepartmental Activities.* (1) Positions in support of National Security Programs and Space Council Activities.

(d) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impracticable.

§ 213.3107 Department of the Army.

(a) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(2) Unskilled laborers and munitions handlers engaged in handling Ordnance materiel, including ammunition, where temporary or intermittent employment is necessary.

(3) Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of 3 months' training and a maximum of 12 months' training, depending upon the individual's previous clinical training.

(4) [Reserved]

(5) Positions assigned exclusively to Army Communications Intelligence Activities.

(6) Trainee student medical technologist (intern) positions at the Rodriguez Army Hospital, Fort Brooke, Puerto Rico. Appointments to these positions will not extend beyond the training period applicable to each individual case, depending upon the individual's previous clinical training. Employment under this provision may not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80-330.

(b) *Transportation Corps.* (1) Long-shoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(c) *Corps of Engineers.* (1) Land appraisers employed on a temporary basis for a period not to exceed 1 year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Corps of Engineers are required for successful results.

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in Civil Service central office, regional, and branch office cities or in cities where there is a local Board of U.S. Civil Service Examiners to service the employing establishment.

(3) Positions of Academic Director, Department Head, and Instructor at the

U.S. Military Academy Preparatory School, Fort Belvoir, Va.

(d) *U.S. Military Academy, West Point, N.Y.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), hostesses, chapel organist and choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e) *National War College, Washington, D.C.* (1) Civilian directors of studies for employment of not to exceed 1 year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

(f) *Joint Brazil-United States Defense Commission.* (1) One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish.

(g) *Defense Language Institute.* (1) Language instructor positions and professional positions at the West Coast Branch whose duties require supervising the language instructors or developing and evaluating instructional material and methods directly related to the teaching of foreign languages.

(2) Typists of foreign language material at the West Coast Branch whose duties require them to make corrections in grammar and spelling of the material typed.

(3) Professors, instructors, and teachers at the East Coast Branch.

(4) Foreign language instructor positions at local Army language training facilities established pursuant to the Defense Language Program.

(h) *Army War College, Carlisle Barracks, Pa.* (1) One position of Educational Specialist for employment of not to exceed 1 year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

§ 213.3108 Department of the Navy.

(a) *General.* (1) Intelligence and Counter Intelligence positions assigned exclusively to Naval Intelligence Activities and positions assigned to Naval Security Group Activities/Functions.

(2) [Reserved]

(3) Positions of teachers in indigenous schools at Chichi Jima, Bonin-Volcano Islands.

(4) Not to exceed 50 positions of Resident-in-Training at U.S. Naval hospitals which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-Federal hospitals. Assignments to these positions shall be on a temporary (full-time or part-time) or intermittent basis, shall not amount to more than 6 months for any person, and shall be only to positions excepted from the Classification Act under the provisions of Public Law 80-330.

(5) One Staff Assistant to the Naval Aide to the President.

(6) [Reserved]

(7) Positions of Student Social Worker for temporary, part-time, or intermittent employment in Navy hospitals when filled by bona fide students enrolled in academic institutions: *Provided*, That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by such educational institution to qualify for a graduate degree in social work. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of section 3 of Public Law 80-330.

(8) Positions of Student Practical Nurse for temporary, part-time, or intermittent employment in Naval Hospitals and Station Hospitals, when filled by trainees enrolled in a non-Federal institution in an approved program of educational and clinical training which meets the requirements for licensing as a practical nurse. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of section 3 of Public Law 80-330.

(9) One Personnel Security Specialist, Naval Personnel Program Support Activity, Bureau of Naval Personnel.

(10) Positions of Medical Technology Intern in Naval and station hospitals when filled by students enrolled in approved programs of training in non-Federal institutions. Employment under this authority may be on a full-time, part-time or intermittent basis but may not exceed 1 year. This authority shall be applied only to positions the compensation of which is fixed in accordance with the provisions of section 3 of Public Law 80-330.

(11) Positions of Medical Intern at U.S. Naval Hospitals when filled by persons who are serving medical internships at participating non-Federal hospitals and whose compensation is fixed under 5 U.S.C. 5351-5356. Employment under this authority may not exceed 1 year.

(12) Positions of Student Speech Pathologist at U.S. Naval Hospitals when filled by persons who are enrolled in participating non-Federal institutions and whose compensation is fixed under 5 U.S.C. 5351-5356. Employment under this authority may not exceed 1 year.

(13) Positions of Student Dental Assistant in Naval dental departments when filled by students who are enrolled in an approved dental assistant program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351 and 5352. Employment under this authority may not exceed one year.

(b) *U.S. Naval Academy*. (1) Professors, instructors, and teachers in the U.S. Naval Academy, the U.S. Naval Postgraduate School, and the Naval War College; and the librarian, organist-choirmaster, registrar, the Dean of Admissions at the U.S. Naval Academy, and social counselors.

(c) *U.S. Naval Home*. (1) Positions of Orderly when filled by the appointment of beneficiaries of the Home.

(d) *Military Sea Transportation Service*. (1) All positions on vessels operated by the Military Sea Transportation Service.

(e) [Reserved]

(f) *U.S. Naval Radiological Defense Laboratory, San Francisco, Calif.* (1) Scientific and professional research positions at GS-12 and above when filled on a temporary basis by persons having a doctoral degree or its equivalent in natural science and related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed six positions at any one time. Employment under this provision may not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed 1 additional year.

#### § 213.3109 Department of the Air Force.

(a) *Office of the Secretary*. (1) Three Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with the pilot studies.

(b) *General*. (1) Positions on the cable ship operated by the Air Force Communication Service.

(c) [Reserved]

(d) *U.S. Air Force Academy, Colorado*. (1) Positions of Cadet Hostesses, Instructors in Physical Education, and two Instructors in Music (Choirmasters).

#### § 213.3110 Department of Justice.

(a) *General*. (1) Deputy U.S. Marshals employed on an hourly basis for intermittent service.

(2) Positions of temporary deputy marshals in lieu of bailiff in the U.S. courts when employed on an intermittent basis.

(3) U.S. Marshal in the Virgin Islands.

(4) [Reserved]

(5) Thirty positions of Field Representative, GS-9 through GS-14, in the Community Relations Service for temporary or intermittent employment for not to exceed 130 working days a year.

(6) Not to exceed 20 positions of Field Representative Trainee, GS-5-7, in the Community Relations Service, for employment on college campuses for not to exceed 130 working days a year. Employment under this authority is limited to 1 year: *Provided*, That an appointment may be extended for one additional year with the prior approval of the Commission.

(b) *Immigration and Naturalization Service*. (1) Information Officer.

(2) Four positions of Regional Commissioner.

(c) *Bureau of Narcotics and Dangerous Drugs*. (1) 104 special agent positions for undercover work.

#### § 213.3111 Post Office Department.

(a) *General*. (1) [Reserved]

(2) Substitute Rural Carriers employed:

(1) During the incumbency of a Rural Carrier to serve the Carrier's route when he is absent on leave or for military duty, or

(11) To serve pending the filling of a Rural Carrier vacancy, provided that the Post Office Department shall obtain prior approval of the Commission for employment of any substitute in a Rural Carrier vacancy in excess of 90 days.

(3)-(6) [Reserved]

(7) Clerks employed on a part-time basis in third-class post offices in Alaska.

(8) Fourth-class postmaster positions in Alaska.

(9) Positions (other than Postmaster) in Samoa, The Trust Territory, Canton Island, and Wake Island.

(10) [Reserved]

(11) Temporary employment of Christmas assistants in the postal field service for not more than 28 calendar days in December.

(12) For employment of 11 deaf mutes on an experimental basis with prior approval of the Commission.

(13) [Reserved]

(14) Subject to conditions on number and location set by the Commission, temporary positions established to administer and operate a pilot Postal Academy Program. An appointment under this authority may not exceed 24 months. No new appointments may be made under the authority after December 31, 1971.

(15) Temporary positions at PFS-4 and below involving employment for no more than 20 hours a week, when filled by youths enrolled in a pilot Postal Academy Program. An appointment under this authority may not exceed 24 months. No new appointments may be made under the authority after December 31, 1971.

#### § 213.3112 Department of the Interior.

(a) *General*. (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damage or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of the Commission.

(4) Temporary, intermittent, or seasonal field assistants at GS-5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 180 working days a year for positions at GS-4 and below in survey parties in the Bureau of Land Management and

Geological Survey and shall not exceed 130 working days a year for other positions authorized under this subparagraph. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year: *Provided*, That an employee may work as many as 220 working days a year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property.

(6) Persons employed in field positions, the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(8) Subject to prior approval of the Commission, temporary, intermittent, or seasonal positions at GS-7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such as those of drillers, miners, caterpillar operators; and samplers; and positions of field assistants engaged in fishery management work. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(b) *Bureau of Indian Affairs.* (1) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS-4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of the Commission, impracticable.

(2) Subject to prior approval of the Commission, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS-4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(c) *Indian Arts and Crafts Board.*

(1) The Executive Director.

(d) *Bonneville Power Administration.*

(1) Five Area Managers.

(e) *Office of Territories.* (1) The Clerk of the High Court of American Samoa.

(2) and (3) [Reserved]

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (appropriate specializations) at salaries equivalent to GS-5 or GS-4 and those equivalent to grade GS-7 or GS-6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. (The total number of Park Ranger and Park Technician positions at salaries equivalent to GS-7 and GS-6 excepted under this subparagraph and subparagraph (2) of this paragraph shall not exceed 200.) Employment under this subparagraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by the Commission and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Ranger at a salary equivalent to the next lower grade:

(i) For IGS-7: 2 seasons at IGS-6 level.

(ii) For IGS-6: 2 seasons at IGS-5 level.

(iii) For IGS-5: 2 seasons at IGS-4 level.

Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this subparagraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(2) Park Aid and Park Technician positions at salaries equivalent to GS-2 through GS-5 to perform technical and practical work supporting the management, conservation, interpretation, development, and use of park areas and resources; and positions at salaries equivalent to GS-7 and GS-6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career resources management, interpretive or visitor service personnel of the National Park Service. (The total number of Park Technician and Park Ranger positions at salaries equivalent to GS-7 and GS-6 excepted under this subparagraph and subparagraph (1) of this paragraph shall not exceed 200.) Employment under this subparagraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by the Commission and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Aid or Park Technician equivalent to the next lower grade:

(i) For IGS-7: 2 seasons at IGS-6 level.

(ii) For IGS-6: 2 seasons at IGS-5 level.

(iii) For IGS-5: 2 seasons at IGS-4 level.

(iv) For IGS-4: 1 season at IGS-3 level or its equivalent in experience.

(v) For IGS-3: 1 season at IGS-2 level or its equivalent in experience.

Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this subparagraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided*, That such employment may, with prior approval of the Commission, be extended for not to exceed an additional 50 working days in any single year.

§ 213.3113 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. This authority is not applicable to positions in the Agricultural Research Service or positions in the Statistical Reporting Service. This authority is not applicable to the following positions in the Consumer and Marketing Service: Agricultural commodity grader (grain) and (meat), agricultural commodity aid (grain), and poultry and tobacco inspection positions.

(2) Any local veterinarian employed on a fee basis or a part-time basis.

(3) Not to exceed 25 professional, scientific, or technical positions in grade GS-7 or higher to be filled on an exchange basis by qualified employees on the rolls of State governments, colleges, or universities, for a limited period not to exceed 1 year.

(4) Local Agents, except veterinarians, employed temporarily outside Washington, in demonstrating in their respective localities the necessity of eradicating contagious or infectious animal diseases.

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS-7 and WG-10 in the following types of positions: field assistants for subprofessional services; caretakers at temporarily closed camps or improved areas; field enumerators and supervisors; forest workers engaged primarily for fire prevention or suppression activities and other forest workers employed at headquarters other than forest supervisor and



regional offices; State performance assistants in the Agricultural Stabilization and Conservation Service; collectors of the Farmers Home Administration; agricultural commodity aids (cotton) in the Consumer and Marketing Service; agricultural helpers, helper-leaders, and workers in the Agricultural Research Service; and, subject to prior Commission approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year: *Provided*: That an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies, such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraphs (i) and (m) of § 213.3102.

(6) Not to exceed eight positions whose incumbents serve on an intermittent or temporary basis as field representatives of the Department of Agriculture and in this capacity represent the Department's Disaster Committee in conducting surveys and appraisals of conditions in areas whose status as "major disaster" areas under Public Law 81-875, is under consideration. Employment under this authority shall not exceed 130 working days a year.

(7) [Reserved]

(8) Not to exceed 10 positions directly concerned with programs of the Department for employment of Cuban refugees possessing college-level training appropriate for such positions. No new appointments may be made under this authority after December 31, 1968.

(9) Not to exceed 15 positions of Program Assistant GS-12-15 when filled by persons whose current service in agricultural programs of the Department at the State level has provided specialized knowledge and experience needed by the Department for the more efficient administration of its programs. No new appointments may be made under this authority after June 30, 1970.

(b) *Office of the Secretary*. (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(2) The positions of the two members and two alternate members of the Board of Forest Appeals which must be filled under Departmental regulation by persons who have not been Federal employees for 2 years before appointment. Employment under this exception shall be on a when-actually-employed basis.

(c) *Forest Service*. (1) Temporary, intermittent, or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest.

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(d) *Agricultural Stabilization and Conservation Service*. (1) Six Area Directors above GS-14.

(2) Members of State Committees.

(3) State Executive Directors.

(4) Farmer fieldmen and farmer fieldwomen to interpret and explain and supervise farm programs.

(e) *Farmers Home Administration*. (1) State committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(2) County committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of emergency loans pursuant to Public Law 87-128. Appointment under this provision shall not exceed 1 year unless extended with the prior approval of the Commission for additional periods of not to exceed 1 year each.

(4) State Directors and not to exceed three positions of State Director-at-Large.

(5) Temporary positions in State and county offices of the Farmers Home Administration whose principal duties involve the making and servicing of loans pursuant to the Economic Opportunity Act of 1964. Appointments under this provision shall not exceed 1 year unless extended with prior Commission approval for not to exceed 1 additional year.

(f) *Consumer and Marketing Service*. (1) Positions of cotton classifiers GS-9 and below, clerks GS-2, supervisory clerks GS-3, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C., Metropolitan Area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 1,280 hours a year in the case of cotton classifiers and laborers, and 1,040 hours a year in the case of clerks; except that a GS-5 cotton classifier may be employed as a trainee during his first appointment for an initial period of 6 months for training purposes without regard to the above time limitation.

(2) Positions of meat and poultry inspectors (veterinarians at GS-11 and below and nonveterinarians at appropriate grades below GS-11) for employment on a temporary, intermittent, or seasonal basis, not to exceed 1,280 hours a year.

(3) Milk Market Administrators.

(4) All positions on the staffs of Milk Market Administrators.

(g) *Agricultural Research Service*. (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States or other non-Federal cooperating organizations, provided the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40-

percent contribution by each of the co-operators.

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock diseases. Persons appointed under this authority may not be employed in these positions in the Agricultural Research Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of the Commission. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock industry of the country.

(h) *Foreign Agricultural Service*. (1) Agricultural Attaché positions at grade GS-16 and above where the duties require that the major portion of the employee's time be spent in foreign countries.

(i) *International Agricultural Development Service*. (1) Positions of Technical Leader at Grade GS-12 and above employed in the training of foreign nationals on a temporary basis for not to exceed 130 working days a year.

(j) *Food and Nutrition Service*. (1) Temporary positions in grade GS-4 and below, and the wage system equivalents, whose principal duties involve the distribution of foods to needy families at Federal Commodity Distribution Centers. No new appointments may be made under this authority after June 30, 1971.

§ 213.3114 Department of Commerce.

(a) *General*. (1) Agents to take and transmit meteorological observations in connection with aviation who are employed on a part-time basis and whose compensation is based on a fee for each observation performed rather than on an hourly or per annum basis: *Provided*, That the number of observations shall not exceed a daily average of 12 during any calendar month.

(2) Employment of individuals, firms, or corporations for not to exceed 1 year for special statistical studies and statistical compilations, other than Personal Census Records Service, the compensation for which is derived from funds deposited with the United States under the Act of May 27, 1935 (49 Stat. 292): *Provided*, That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary*. (1) The positions of Security Control Officer, Deputy Security Control Officer, and Chief, Personnel Security Division.

(2) One Civil Aviation Specialist.

(3) One Adviser on Equal Employment Opportunity.

(c) *Coast and Geodetic Survey*. (1) All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey. Appointment to such positions shall not exceed 8 months in any 1 calendar year.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors, supervisors' clerks, and enumerators in the field service for temporary, part-time, or intermittent employment, for not to exceed 1 year: *Provided*, That such appointments may be extended for additional periods of not to exceed 1 year each; but that prior Commission approval is required for extension of full-time employment for longer than 1 year.

(e) [Reserved]

(f) [Reserved]

(g) *Business and Defense Services Administration.* (1) Not to exceed 30 positions, at grades GS-13 and higher, to be filled by appointment of persons, qualified as industrial specialists, who possess specialized knowledge and experience in the field of industrial production, industrial operations and related problems, applicable to one or more of the current segments of industry served by the Business and Defense Services Administration. Appointments under this authority may be made for a period not to exceed 2 years, and may, with prior approval of the Commission, be extended for an additional period of 2 years.

(h) *Maritime Administration.* (1) Public Information Officer.

(2)-(4) [Reserved]

(5) The positions of Chief Investigator and Security Officer and Deputy Chief Investigator and Security Officer.

(6) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(7) [Reserved]

(8) One Special Assistant to the Administrator (Tanker Adviser).

(9) Two Special Assistants to the Deputy Administrator.

(10) U.S. Merchant Marine Academy, positions of: Professors, instructors, and teachers; including heads of the Departments of Physical Training and Athletics, Ships, Medicine, Ship Management, History and Languages, Mathematics and Science, Nautical Science and Engineering; the Regimental Officer; the Drill and activities Officers; the Band and Activities Officer; six Company Officers; and the Assistant Commandant, of Cadets.

(11) U.S. Merchant Marine Academy, positions of: The Superintendent, the Executive Officer and Assistant Superintendent; Dean; Registrar and Educational Services Officer; Educational Specialist (Administration) (Assistant Dean); Alumni Records Officer and Placement Director; Librarian; the Special Assistant to the Superintendent; and three Academy Training Representatives.

(i) *Office of the Assistant Secretary for Domestic and International Business.* (1) Ten positions at GS-13 and above in specialized fields relating to international trade or commerce in the Bureau

of International Commerce or in other units under the jurisdiction of the Assistant Secretary for Domestic and International Business. Incumbents shall be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for any individual appointee.

(2) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(j) *Environmental Science Services Administration.* (1) Subject to prior approval of the Commission, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethal, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Cook positions on Swan Island.

#### § 213.3115 Department of Labor.

(a) *Office of the Secretary.* (1) Chairman and two Members, Employees' Compensation Appeals Board.

(b) *Bureau of Labor Statistics.* (1) Part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS-5 and below. Employment within the Bureau of Labor Statistics under this authority, or a combination of this authority and any other authorities for excepted appointment, shall not exceed:

(i) 180 working days a year for positions at GS-5;

(ii) 130 working days a year for positions at GS-4 and below.

The total number of appointments at GS-5, shall not exceed 75. Appointments at the GS-3 and GS-4 grade levels are not limited in number.

(c) *Office of Federal Contract Compliance.* (1) All positions at GS-15 and below involving performance of the functions of the program known as "Plans for Progress."

#### § 213.3116 Department of Health, Education, and Welfare.

(a) *National Center for Mental Health Services, Training and Research.*

(1) Three Medical Officers (Surgical Resident).

(2) Student Medical Interns for temporary or part-time employment.

(3) Temporary positions of graduate nurses appointed as students for the purpose of receiving 12 weeks of training equivalent to psychiatric affiliation. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80-330.

(4) Three positions of Medical Officers (Radiology Resident): *Provided*, That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of

training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident.

(5) Eight positions of psychodrama trainees, including interns and first- and second-year residents. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(6) Two Medical Officers (Anatomical Pathology Resident) for not to exceed 2 years' employment in the case of any one individual.

(7) Three Medical Officers (Internal Medicine Resident) for not to exceed 3 months' employment in the case of any one individual.

(8) Four positions of Medical Officer (Physical Medicine and Rehabilitation Resident): *Provided*, That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident. Initial appointments may be made at any level within the 3-year residency as approved by the American Medical Association.

(9) Not to exceed 22 positions of Chaplain Residents: *Provided*, That employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 80-330.

(10) One position of Medical Officer (Ophthalmology Resident) when filled by persons whose compensation is fixed under 5 U.S.C. 5351-5356. Employment under this authority may not exceed 4 months.

(11) Until September 30, 1972, not to exceed 18 positions established in connection with the Sulcidology training program when filled by persons who are selected specifically for that program and whose compensation is fixed under 5 U.S.C. 5351 and 5352. Employment under this authority may not exceed 1 year.

(b) *Public Health Service.* (1) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagraph shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in leprosy investigation stations.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health, Education, and Welfare and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental interns, externs, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions: *Provided*, That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field: *And provided further*, That appropriate exclusions of the positions under the authority of Public Law 80-330 have been approved by the Civil Service Commission.

(7) Student Dieticians and Resident Physicians at Freedman's Hospital.

(8) Positions directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 180 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

(c) *Office of Education.* (1) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(d) *Social Security Administration.* (1) One position of claims examiner or social insurance representative in a district office of the Bureau of Old-Age and Survivors Insurance in the State of Arizona when filled by the appointment of a person of one-fourth or more Indian blood.

(2) Two positions of social insurance representative in the district offices of the Social Security Administration in the State of New Mexico when filled by the appointment of persons of one-fourth or more Indian blood.

(3) Two positions of social insurance representative in the district offices of the Social Security Administration in the State of Alaska when filled by the appointment of persons of one-fourth or more Alaskan native blood (Eskimos, Indians, or Aleuts).

(e) *General.* (1) Not to exceed 40 positions in medical and related occupations for employment under the Cuban refugee program. No new appointments may be made after December 31, 1968.

(f) *The President's Council on Physical Fitness.* (1) Three staff assistants, The President's Council on Physical Fitness.

(g) *Social and Rehabilitation Administration.* (1) Not to exceed 195 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided*, That new appointments shall be limited to Cuban refugees.

(h) *National Institute of Mental Health—Health Services, and Mental Health Administration.* (1) Positions in the National Institute of Mental Health involving performance of various therapeutic and service assignments under a rehabilitation program concerned with the treatment of drug addicts, when filled by persons who have a history of drug addiction and who have been successfully treated. No new appointments under this authority may be made after August 31, 1972.

§ 213.3121 National Security Council.

(a) All positions on the staff of the Council.

§ 213.3123 Cabinet Committee on Opportunities for Spanish-Speaking People.

(a) All positions on the committee staff.

§ 213.3124 Board of Governors, Federal Reserve System.

(a) All positions.

§ 213.3126 Office of Emergency Preparedness.

(a) One Field Representative, Resource Readiness Office.

§ 213.3127 Veterans Administration.

(a) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

§ 213.3128 U.S. Information Agency.

(a) Two Liaison Officers (Congressional) in the Office of the General Counsel.

(b) One Chief of Religious Information.

§ 213.3129 Federal Power Commission.

(a) Three special assistants to the Commission.

§ 213.3130 Securities and Exchange Commission.

(a) Director, Division of Corporation Finance; Director, Division of Corporate Regulation; Director, Division of Trading and Markets.

(b) Nine positions of Regional Administrator.

§ 213.3132 Small Business Administration.

(a) When the President under 42 U.S.C. 1855-1855g, or the Secretary of Agriculture under 7 U.S.C. 1961, declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended, for the duration of the disaster. Original appointments may not exceed 6 months, and no employee appointed under this exception may work in any one disaster area for more than 6 months without prior approval of the Commission.

(b) Until December 31, 1970, positions of receivers or trustees who serve on an intermittent basis in receivership actions affecting Small Business Investment Companies.

(c) Position of Community Economic-Industrial Planner, GS-7-12, when filled by local residents who represent the interest of the groups to be served by the Minority Entrepreneurship Teams of which they are members.

§ 213.3133 Federal Deposit Insurance Corporation.

(a) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(b) One position of Chief Clerk in the San Juan, P.R., office.

§ 213.3135 National Capital Housing Authority.

(a) Executive Director.

§ 213.3136 U.S. Soldiers' Home.

(a) All positions.

§ 213.3137 General Services Administration.

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care, and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

(b) *Public Buildings Service.* (1) One Receptionist—Guide, Region 9.

§ 213.3138 Federal Communications Commission.

(a) The Chief of each of the following Bureaus: Broadcast, Common Carrier, and Safety and Special Radio Services.

§ 213.3139 U.S. Tariff Commission.

(a) The Secretary of the Commission.

§ 213.3141 National Labor Relations Board.

(a) Election Clerks and Election Examiners for temporary, part-time, or intermittent employment in connection with elections under the Labor Management Relations Act.

§ 213.3142 Export-Import Bank of the United States.

(a) Three Special Assistants to the Board of Directors, grade GS-14 and above, with responsibility for carrying out special overseas assignments for the Board.

§ 213.3143 Farm Credit Administration.

(a) Federal Land Bank Association receivers and conservators.

(b) Not to exceed seven positions in the Credit Services of the Farm Credit



Administration in grades GS-13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided*, That this authority may be used only when making appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institutions supervised by the Farm Credit Administration.

§ 213.3146 Selective Service System.

- (a) State Directors.
- (b) Deputy or Assistant State Directors and State Medical Officers in State Headquarters.
- (c) Until June 30, 1971, Executive Secretary, National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.
- (d) Executive Secretary, National Selective Service Appeal Board.

§ 213.3147 Federal Mediation and Conciliation Service.

- (a) Executive Secretary of a Board of Inquiry appointed under section 206 of the Labor-Management Relations Act of 1947 (29 U.S.C. 176).

§ 213.3148 National Aeronautics and Space Administration.

- (a) One hundred fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.
- (b) Forty scientific specialists to be engaged on special research projects.
- (c) [Reserved]
- (d) Ten medical officer positions for employment of third year medical residents in the field of aerospace medicine. An individual may not be employed more than one year under this exception.

§ 213.3149 Panama Canal Company, New Orleans.

- (a) All positions on vessels operated by the Panama Canal Company.

§ 213.3153 District of Columbia Government.

- (a) Positions of noneducational employees of the Board of Higher Education, the Board of Vocational Education, the Federal City College, and the Washington Technical Institute.

§ 213.3154 Federal Home Loan Bank Board.

- (a) One Secretary, Federal Home Loan Bank Board.
- (b) [Reserved]
- (c) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

§ 213.3156 Commission on Civil Rights.

- (a) Until January 31, 1973, 15 positions at grade GS-11 and above, of employees who collect, study, and appraise civil rights information and use that information to carry out the national clearinghouse responsibilities of the Commission under Public Law 88-352, as amended.

§ 213.3158 Franklin Delano Roosevelt Memorial Commission.

- (a) All positions on the staff of the Commission.

§ 213.3161 James Madison Memorial Commission.

- (a) One Executive Secretary.

§ 213.3162 National Aeronautics and Space Council.

- (a) All positions.

§ 213.3165 President's Advisory Committee on Labor-Management Policy.

- (a) One Assistant Executive Director.

§ 213.3170 Civil Service Commission.

- (a) Persons employed on a WAE basis to serve as members of the International Organizations Employees Loyalty Board for the purpose of holding hearings overseas.

§ 213.3178 Atlantic-Pacific Inter-oceanic Canal Study Commission.

- (a) All positions on the Commission staff.

§ 213.3182 National Foundation on the Arts and the Humanities.

- (a) *National Endowment for the Arts*.
  - (1) Until June 30, 1971, one Special Assistant to the Chairman.
  - (2) Until June 30, 1971, Director of State and Community Operations, when filled at GS-15 or below.
  - (3) Until June 30, 1971, eight Program Directors.
  - (4)-(10) [Reserved]
  - (11) Until June 30, 1971, four Project Evaluators.
  - (12) Until June 30, 1971, one Assistant Director for Museums.
  - (13) Until June 30, 1971, two Assistant Directors for State and Community Operations.

- (b) *National Endowment for the Humanities*. (1) and (2) [Reserved]

- (3) Until June 30, 1971, Director of Planning and Analysis, when filled at GS-15 or below.

- (4) Until June 30, 1971, Director, Division of Fellowships and Stipends.

- (5) Until June 30, 1971, Director, Division of Research and Publications.

- (6) Until June 30, 1971, one Special Assistant to the Chairman.

- (7) Until June 30, 1971, two Program Officers, Division of Education Programs.

- (8) Until June 30, 1971, Program Officer, Division of Fellowships and Stipends.

- (9) Until June 30, 1971, Program Officer, Division of Research and Publications.

- (10) Until June 30, 1971, one Assistant to the Director of Planning and Analysis.

- (11) Until June 30, 1971, Director, Division of Education Programs.

- (12) Until June 30, 1971, Program Officer, Division of Public Programs.

- (13) Until June 30, 1971, Director, Division of Public Programs.

§ 213.3184 Department of Housing and Urban Development.

- (a) and (b) [Reserved]
- (c) *Interdepartmental Programs*. (1) Two Program Assistants.

- (d) *Office of the Assistant Secretary for Administration*. (1) Director, Office of Investigations, Office of Audits and Investigations.

§ 213.3187 District of Columbia Redevelopment Land Agency.

- (a) Neighborhood Aide (Urban Renewal) positions when filled by residents of the urban renewal project area in which the Aides will serve. Employment under this authority may not exceed 2 years.

§ 213.3190 Commission on Marine Science, Engineering, and Resources.

- (a) All positions on the Commission staff.

§ 213.3194 Department of Transportation.

- (a) *Coast Guard*. (1) Continuing positions at grade GS-9 and below whose incumbents are engaged in the admeasurement or documentation of merchant vessels on a part-time or intermittent basis not exceeding 700 hours in a service year. A person appointed under this authority may not be employed in the Coast Guard under a combination of this authority and any other authority for excepted appointment for more than 700 hours during his service year.

- (2) Lamplighters.
- (3) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, one Cadet Hostess, and one Psychologist (Counseling) at the Coast Guard Academy, New London, Conn.

- (b) *The Alaska Railroad*. (1) Temporary, part-time, or intermittent positions of nonsupervisory laborers in Alaska, involving railroad construction or repair work at locations outside the Fairbanks and Anchorage commuting areas when there are no local housing facilities available except crew cars and examination is impracticable because of the mobility of the work site, the short-term nature of a maintenance project, or the immediate need for a temporary work force to cope with unexpected turnover or unexpected situations requiring augmentation of the regular work crew in remote or isolated locations. Employment under this authority shall not exceed 180 working days a year.

- (2) The General Manager.
- (3) The Assistant General Manager.

- (c) *Federal Highway Administration*. (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS-5 for subprofessional engineering aide work on the highway

surveys and constructions projects, for not to exceed 180 working days a year, when in the opinion of the Commission appointment through competitive examination is impracticable.

(d) *Federal Aviation Administration.*

(1) Caretakers and Light Attendants employed on emergency fields and other air navigation facilities who are paid on a fee basis.

(2) Medical Officer positions on Wake Island.

(3) Laborer positions on Swan Island.

(e) *St. Lawrence Seaway Development Corporation.* (1) Assistant Manager, Seaway International Bridge.

§ 213.3195 President's Temporary Commission on Pennsylvania Avenue.

(a) Not to exceed six positions on the Temporary Commission staff.

§ 213.3199 Temporary boards and commissions.

(a)-(d) [Reserved]

(e) *1970 White House Conference on Children and Youth.* (1) Until June 30, 1971, not to exceed 55 positions in grades GS-15 and below in support of the 1970 White House Conference on Children and Youth.

(f) *National Commission on Consumer Finance.* (1) Until March 31, 1971, not to exceed 30 positions at GS-15 and below on the staff of the National Commission.

(g) *The National Council on Indian Opportunity.* (1) Positions at GS-15 and below on the staff of the Council when filled by Indians who are of one-fourth or more Indian blood.

(h) *The Cabinet Committee on Education.* (1) Until June 30, 1972, not to exceed 30 positions at GS-15 and below on the staff of the Committee.

(i) *President's Commission on School Finance.* (1) Until April 1, 1972, positions at GS-15 and below on the staff of the Commission.

SCHEDULE B

§ 213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.

The positions enumerated in §§ 213.3202 to 213.3299 are positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination and which are excepted from the competitive service and constitute Schedule B. Appointments to these positions are subject to such noncompetitive examination as may be prescribed by the Commission.

§ 213.3202 Entire executive civil service.

(a) Student Trainee positions established in connection with an organized preprofessional undergraduate work-study program involving alternating periods of planned work experience (including at least 6 months in the agency) and related study at an accredited college or university in either (1) a cooperative curriculum in which the work experience is a prerequisite to the award

of a degree, or (2) a curriculum where formal arrangements are made with the college or university for selecting and retaining program participants, and for scheduling and coordinating work experience and academic study. Appointments under this paragraph may be made only to Student Trainee positions which are preparatory to professional work which the Commission determines to be in a shortage occupation for this purpose. The Commission's determinations in this respect and other requirements relating to appointments under this paragraph will be published in the Federal Personnel Manual. Except for the requirement of competitive selection from a register, appointments under this paragraph are subject to all the requirements and conditions governing career-conditional appointment, including investigation by the Commission to establish the appointee's qualifications and suitability. Appointees may not continue to serve in Student Trainee positions more than 90 days after they complete or are separated from the work-study program.

§ 213.3204 Department of State.

(a) Persons formerly employed abroad in the Foreign Service of the United States (this means civilian employment in the executive branch) for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS-9 and above.

(b) Technical cryptographic positions in the Communications Security Division, Office of Communications.

(c) Director and Deputy Director, Foreign Buildings Operations.

§ 213.3205 Treasury Department.

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Chief National Bank Examiner, Deputy Regional Chief National Bank Examiner, Senior National Bank Examiner, National Bank Examiner, Senior Assistant National Bank Examiner, Assistant National Bank Examiner, Deputy to the Comptroller of the Currency for Trusts, Representatives in Trusts, Associates in Trusts, Assistants in Trusts and one Administrative Assistant to the Comptroller of the Currency, whose salaries are paid from assessments against national banks and other financial institutions.

(b) [Reserved]

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS-13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

(d) Positions concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law, when filled in accordance with special appointment procedures approved by the Commission. Service under this author-

ity may not exceed (1) a total of 4 years or (2) 120 days following completion of the service required for conversion under Executive Order 11203, whichever occurs first.

§ 213.3206 Department of Defense.

(a) *Office of the Secretary.* (1) Professional members of Policy Planning Staff in positions at grades GS-16 and above and two Special Projects Directors, GS-15, Office of Deputy Assistant Secretary (Planning and NSC), Office of the Assistant Secretary of Defense (International Security Affairs).

(2) Professional positions at GS-11 and above involving systems, costs, and economic analysis functions in the Office of the Assistant Secretary (Systems Analysis); and in the Operations Analysis Group and in the Office of the Deputy Assistant Secretary (Management Systems Development), both in the Office of the Assistant Secretary (Comptroller).

(3) Professional positions at grades GS-16 and above in the Directorate for Special Studies, Office of the Deputy Assistant Secretary (Manpower Requirements and Special Studies), Office of the Assistant Secretary of Defense (Manpower).

(4) One Assistant for Counter-Insurgency, Office of the Assistant Secretary (International Security Affairs).

§ 213.3209 Department of the Air Force.

(a) Positions assigned exclusively to Air Force Communications Intelligence Activities.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

§ 213.3210 Department of Justice.

(a) [Reserved]

(b) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

§ 213.3211 Post Office Department.

(a) *General.* (1) Positions of Post Office Inspector.

§ 213.3212 Department of the Interior.

(a) Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

§ 213.3214 Department of Commerce.

(a) *Bureau of Census.* (1) Not to exceed 100 positions of interviewers, supervisors, and data collection specialists in the Census Bureau who conduct interviews in the hard-core poverty areas of large cities or who supervise the conduct of these interviews, when filled by residents of the areas served.

(b) *Economic Development Administration.* (1) Four Area Supervisors.

(2) Four Assistant Area Supervisors.

§ 213.3215 Department of Labor.

(a) and (b) [Reserved]

(c) Not to exceed 35 positions of Manpower Development Specialist at grades

GS-9 through GS-15 in the Manpower Administration. This authority may not be used after June 30, 1971.

**§ 213.3216 Department of Health, Education, and Welfare.**

(a) *Office of Education.* (1) Fifty positions, GS-7 through GS-11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed 1 year, and may, with the prior approval of the Civil Service Commission, be extended for an additional period of 1 year.

(b) Until September 30, 1971, not to exceed 25 positions in grades GS-9-15 in new, experimental programs or special projects of the Office of Child Development when it is determined that existing registers are not appropriate or do not permit appointment expeditiously.

(c) Not to exceed 10 positions of HEW Fellows in grades GS-11 through 15. Employment under this authority may not extend beyond 1 year.

**§ 213.3228 U.S. Information Agency.**

(a) Persons formerly employed abroad in the Foreign Service of the United States or as Binational Center Grantees for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS-9 and above.

**§ 213.3229 Federal Power Commission.**

(a) A Chief Engineer.

**§ 213.3242 Export-Import Bank of the United States.**

(a) Not to exceed 10 positions of Loan Specialist GS-11 through GS-13 when occupied by persons selected jointly by commercial banks and the agency for participation in the Eximbank-Commercial Bank Orientation Program. Appointments under this authority may not exceed 15 months.

**§ 213.3246 Selective Service System.**

(a) Positions in the Selective Service System when filled by persons who as commissioned officer personnel in the Armed Forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

**§ 213.3253 District of Columbia Government.**

(a) Chairman, Secretary and Members of the Board of Police and Fire Surgeons, District of Columbia.

**§ 213.3268 Agency for International Development.**

(a) Not to exceed 30 positions at GS-9 and above when filled by persons who have served overseas with the Agency for International Development for not less than 2 years.

**§ 213.3273 Office of Economic Opportunity.**

(a) Seven Regional Directors.

(b) Not to exceed 35 positions at GS-9 through GS-15 in new, experimental programs or special projects when it is determined that existing registers are not appropriate or do not permit appointment expeditiously. This authority may not be used after June 30, 1971.

(c) One Chief, Research and Plans Division.

**§ 213.3276 Appalachian Regional Commission.**

(a) Two Program Coordinators.

**SCHEDULE C**

**§ 213.3301 Positions of a confidential or policy-determining character.**

The positions enumerated in §§ 213.3302 to 213.3399 are positions of a confidential or policy-determining character which are excepted from the competitive service, to which appointments may be made without examination by the Commission and which constitute Schedule C.

**§ 213.3301a Special revocation of exceptions.**

The exception from the competitive service for each position in the executive branch listed in Schedule C which is classified in grade GS-16, GS-17, or GS-18, and is covered by Civil Service Rule IX (§ 9.1 of Subchapter A of this chapter) is revoked effective November 17, 1967. Each such position is removed from Schedule C effective November 17, 1967.

**§ 213.3303 Executive Office of the President.**

(a) *Bureau of the Budget.* (1) Three Assistant Directors.

(2) [Reserved]

(3) One Private Secretary to the Deputy Director.

(4) One Private Secretary to each of the three Assistant Directors.

(5) One Assistant Director for Executive Management.

(6) One Private Secretary to the Assistant Director for Executive Management.

(b) *Council of Economic Advisers.*

(1) Three Private Secretaries to the Chairman and one to each of the other two members.

(c) *Office of Science and Technology.*

(1) One Confidential and Secretarial Assistant to the Director.

(2) One Confidential and Secretarial Assistant to the Deputy Director.

(3) [Reserved]

(4) One Staff Assistant.

(5) One Confidential Secretary and Assistant to the Director, Energy Policy Staff.

(6) One Confidential Secretary to the Director.

(d) *Office of the Special Representative for Trade Negotiations.* (1) One Confidential Assistant to the Deputy Special Representative.

(2) One Special Assistant to the General Counsel.

(3) One Confidential Assistant to the General Counsel.

(e) *President's Commission on Personnel Interchange.* (1) The Executive Director.

(2) One Deputy Executive Director.

(f) *President's Commission on White House Fellows.* (1) The Executive Director.

(2) The Associate Executive Director.

(g) *Council on Environmental Quality.*

(1) One Special Assistant to the Chairman.

(2) One Confidential Assistant to each Member of the Council.

(h) *Office of Management and Budget.*

(1) Associate Director.

(2) One Secretary to the Associate Director.

(3) Four Secretaries to the Director.

(4) One Special Assistant to the Deputy Director.

(5) One Special Assistant to the Associate Director.

(i) *Office of Telecommunications Policy.* (1) One Special Assistant to the Director.

(2) One Confidential Assistant to the Director.

(3) One Confidential Assistant to the Deputy Director.

(4) One Courier.

**§ 213.3304 Department of State.**

(a) *Office of the Secretary.* (1) Five Special Assistants.

(2) Two confidential Assistants and four Private Secretaries to the Secretary.

(3) Four Special Assistants to the Under Secretary.

(4) Three Confidential Assistants and one Private Secretary to the Under Secretary.

(5) Two Staff Assistants.

(6) One Personal Assistant and one Private Secretary to the Under Secretary for Economic Affairs.

(7) One Special Assistant and one Staff Assistant to the Under Secretary for Economic Affairs.

(8) One Personal Assistant and one Special Assistant to the Ambassador-at-Large.

(9) The Chief of Protocol.

(10) Two Staff Assistants and one Private Secretary to the Chief of Protocol.

(b) *Bureau of Security and Consular Affairs.* (1) One Private Secretary to the Administrator.

(c) *Office of the Assistant Secretary for Congressional Relations.* (1) One Confidential Assistant to the Assistant Secretary.

(2) One Staff Assistant.

(3) Four Legislative Management Officers.

(4) Two Legislative Officers.

(d) *Office of the Assistant Secretary for Public Affairs.* (1) One Private Secretary to the Assistant Secretary.

(2) One Special Assistant to the Assistant Secretary.

(e) *Bureau of Economic Affairs.* (1) One Private Secretary to the Assistant Secretary.

(f) *Bureau of Intelligence and Research.* (1) One Private Secretary.

(2) Director of Intelligence and Research.

(g) *Bureau of Near Eastern and South Asian Affairs.* (1) One Private Secretary to the Assistant Secretary.

(h) *Bureau of International Organization Affairs.* (1) One Private Secretary to the Assistant Secretary.

(2) One Secretary and Personal Assistant to the U.S. Representative to the Council of the Organization of American States.

(i) *Bureau of European Affairs.* (1) One Private Secretary to the Assistant Secretary.

(j) *Bureau of East Asian and Pacific Affairs.* (1) One Private Secretary to the Assistant Secretary.

(2) One Staff Assistant.

(k) *Bureau of Inter-American Affairs.* (1) One Private Secretary to the Assistant Secretary.

(l) *Office of the Legal Adviser.* (1) One Private Secretary to the Legal Adviser.

(m) *Executive Secretariat.* [Reserved]

(n) *Planning and Coordination Staff.* (1) One Staff Assistant.

(2) One Secretary and Personal Assistant to the Director.

(o) *Office of the Assistant Secretary for Administration.* (1) One Private Secretary to the Assistant Secretary for Administration.

(p) *Office of the Deputy Under Secretary for Administration.* (1) One Confidential Assistant to the Deputy Under Secretary.

(2) Two Special Assistants to the Deputy Under Secretary.

(q) *Office of the Deputy Under Secretary for Political Affairs.* (1) One Special Assistant to the Deputy Under Secretary.

(2) One Confidential Assistant to the Deputy Under Secretary.

(r) *Bureau of African Affairs.* (1) One Private Secretary to the Assistant Secretary.

(2) One Special Assistant to the Assistant Secretary.

(s) *Bureau of Educational and Cultural Affairs.* (1) One Private Secretary to the Assistant Secretary for Educational and Cultural Affairs.

(2) One Special Assistant to the Assistant Secretary.

(t) *Office of the Inspector General, Foreign Assistance.* (1) One Private Secretary to the Inspector General, Foreign Assistance.

(2) One Private Secretary to the Deputy Inspector General, Foreign Assistance.

(u) *Office of the Counselor.* (1) One Private Secretary to the Counselor.

(v) *Bureau of Politico-Military Affairs.* (1) One Private Secretary to the Director.

#### § 213.3305 Treasury Department.

(a) *Office of the Secretary.* (1) One Deputy Assistant to the Secretary (Director, Executive Secretariat).

(2) Special Assistant to the Secretary (National Security Affairs).

(3) Deputy Assistant Secretary (International Affairs).

(4) One Public Affairs Specialist.

(5) One Deputy Under Secretary for Monetary Affairs.

(6) One Staff Assistant to the Special Assistant to the Secretary (National Security Affairs).

(7) [Reserved]

(8) One Confidential Assistant to the Special Assistant to the Secretary (Public Affairs).

(9) One Staff Assistant to the Under Secretary (Liaison Officer).

(10) One Deputy Special Assistant to the Secretary (National Security Affairs).

(11) One Special Assistant to the Secretary (Organized Crime).

(12) One Staff Assistant to the Assistant Secretary (International Affairs).

(13) One Secretary to the Secretary.

(14) [Reserved]

(15) One Confidential Assistant to the Under Secretary.

(16) One Confidential Secretary to the Assistant Secretary (Enforcement and Operations).

(17) One Confidential Assistant to the Assistant Secretary (Enforcement and Operations).

(18) One Confidential Secretary to the Assistant Secretary (Economic Policy).

(19) and (20) [Reserved]

(21) One Assistant to the Assistant Secretary (Economic Policy).

(22) One Confidential Staff Assistant to the Assistant Secretary for International Affairs.

(23) Special Assistant to the Secretary (Congressional Relations).

(24) Two Liaison Officers.

(25) One Secretary to the Special Assistant to the Secretary (Public Affairs).

(26) One Staff Assistant to the General Counsel.

(27) One Staff Assistant to the Secretary.

(28) One Special Assistant to the Assistant Secretary (International Affairs).

(29) One Deputy Assistant Secretary for Industrial Nations Finance (International Affairs).

(30) One Deputy Assistant Secretary for Trade and Investment Policy (International Affairs).

(31) One Deputy Assistant Secretary for Research and/or Director of Research (International Affairs).

(32) One Deputy Assistant Secretary for Development Finance (International Affairs).

(33) One Deputy Special Assistant to the Secretary (Congressional Relations).

(34) One Confidential Assistant to the Secretary.

(b) [Reserved]

(c) *Bureau of Customs.* (1) Commissioner of Customs.

(2) [Reserved]

(3) Two Special Assistants to the Commissioner of Customs (Organized Crime and Smuggling).

(d) [Reserved]

(e) *Office of the Treasurer of the United States.* (1) One Confidential Administrative Assistant.

(f) *Bureau of the Mint.* (1) One Confidential Secretary to the Director of the Mint.

#### § 213.3306 Department of Defense.

(a) *Office of the Secretary.* (1) One Executive and Confidential Assistant, one Special Assistant, and two Private Secretaries to the Secretary.

(2) Two Private Secretaries to the Deputy Secretary of Defense and one Private Secretary to each of the following: the Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the Deputy Directors of Defense Research and Engineering (Tactical Warfare Programs), (Strategic and Space Systems), (Chemistry and Materials), (Electronics and Information Systems); the Director, Advanced Research Projects Agency; the Assistant Secretaries of Defense (Manpower and Reserve Affairs), (International Security Affairs), (Public Affairs), (Installations and Logistics), (Administration), (Comptroller), and (Systems Analysis); the General Counsel; the Deputy General Counsel; the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.

(3) Two Chauffeurs to the Secretary and one Chauffeur to the Deputy Secretary.

(4) Two Confidential Assistants to the Assistant Secretary of Defense (International Security Affairs).

(5) The Defense Adviser to USRO in Paris, France.

(6) Two Private Secretaries to the Defense Adviser to USRO in Paris, France.

(7) One Principal Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(8) One Assistant to the Secretary of Defense (Legislative Affairs).

(9) One Private Secretary to the Assistant to the Secretary of Defense (Legislative Affairs).

(10) One Special Assistant to the Assistant to the Secretary of Defense (Legislative Affairs).

(11) One Personal Secretary to the Deputy Secretary of Defense.

(12) One Private Secretary to the Principal Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

(13) Three Private Secretaries to the Special Assistant to the Secretary of Defense.

(14) One Confidential Assistant to the Special Assistant to the Secretary of Defense.

(15) One Staff Assistant to the Special Assistant to the Secretary of Defense.

(16) One Staff Assistant to the Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).

(17) One Private Secretary to the Chairman, Joint Chiefs of Staff.

(18) One Confidential Assistant to the Assistant Secretary of Defense (Installations and Logistics).

(19) One Staff Assistant to the Deputy Assistant Secretary (Civil Rights and Industrial Relations).

(20) One Private Secretary to the Deputy Assistant Secretary (Civil Rights and Industrial Relations).

(21) One Private Secretary to the Director for Equal Employment Opportunity.

(22) One Staff Assistant to the Director for Equal Employment Opportunity.

(23) Five Deputy Directors of Defense Research and Engineering and the Director, Advanced Research Projects Agency.

(24) One Private Secretary to the Deputy Assistant Secretary (Operations), Office of the Assistant Secretary of Defense (Public Affairs).

(25) One Principal Deputy Director of Defense Research and Engineering.

(26) One Private Secretary to the Deputy Assistant Secretary for Education and Manpower Resources, Office of the Assistant Secretary of Defense (Manpower).

(27) One Secretary to the Deputy Assistant Secretary of Defense (Manpower Planning and Research).

(28) One Private Secretary to the Deputy Assistant Secretary (Policy Planning and Far Eastern Affairs).

(29) Principal Deputy Assistant Secretary of Defense (Comptroller).

(30) [Reserved]

(31) One Private Secretary to the Deputy Assistant Secretary (Reserve Affairs).

(32) One Confidential Assistant to the Assistant Secretary (Manpower and Reserve Affairs).

(33) One Private Secretary and Confidential Assistant to the Assistant to the Secretary.

(34) Assistant to the Secretary and Deputy Secretary of Defense.

(35) One Private Secretary to the Assistant Secretary (Health and Environment).

(36) One Private Secretary to the Assistant to the Secretary of Defense (Telecommunications).

(37) One Personal Security Assistant to the Secretary.

(b) *Court of Military Appeals.* (1) One Private Secretary and one Technical Assistant to each Judge of the Court.

(c) *Interdepartmental Programs.* (1) Two Personal Secretaries and Confidential Assistants to the Military Representatives of the President.

(2) Six Private Secretaries engaged in the interdepartmental activities of the Office of the Secretary of Defense.

(3) Two Staff Assistants and one Administrative Assistant.

(4) One Private Secretary and Confidential Assistant.

(d) *Defense Supply Agency.* (1) One Confidential Assistant (Economic Utilization Policy) to the Director, Defense Supply Agency.

#### § 213.3307 Department of the Army.

(a) *Office of the Secretary.* (1) One Private Secretary or Confidential Assistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.

(2) The General Counsel.

(3) One Confidential Assistant to the Deputy Under Secretary of the Army—International Affairs.

(4) The Director of Civil Defense.

(5) One Special Assistant to the Director of Civil Defense.

(6) One Staff Assistant to the Deputy Assistant Secretary for Manpower and Reserve Affairs (Personnel Management and Training).

(b) *General.* (1) One Staff Assistant, one Administrative Assistant, and four Private Secretaries to the Military Assistant to the President.

#### § 213.3308 Department of the Navy.

(a) *Office of the Secretary.* (1) One Civilian Aide or Executive Assistant to the Secretary.

(2) Two Private or Confidential Secretaries to the Secretary and one to the Under Secretary and to each Assistant Secretary of the Navy.

(3) One Chauffeur for the Secretary of the Navy.

(4) One Confidential Secretary to the Civilian Aide to the Secretary of the Navy.

(5) One Private Secretary to the Naval Aide to the President.

(6) Four Civilian Aides or Executive Assistants to the Assistant Secretary (Installations and Logistics).

(7) Two Civilian Aides or Executive Assistants each to the Assistant Secretary (Research and Development) and the Assistant Secretary (Financial Management).

(8) [Reserved]

(9) One Special Assistant to the Military Assistant to the President.

(10) One Special Assistant (Administration) to the Under Secretary.

#### § 213.3309 Department of the Air Force.

(a) *Office of the Secretary.* (1) One Private Secretary to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Air Force.

(2) The General Counsel.

(3) One Private Secretary to the General Counsel.

(4) [Reserved]

(5) Six Private Secretaries engaged in the interdepartmental activities of the Department.

(6) One Administrative Assistant engaged in the interdepartmental activities of the Department.

(7) One Administrative Assistant and two Private Secretaries in the Office of the Military Aide to the Vice President.

(8) One Private Secretary in the Office of the Military Assistant to the President.

#### § 213.3310 Department of Justice.

(a) *Office of the Attorney General.*

(1) Three Private Secretaries to the Attorney General.

(2) One Chauffeur for the Attorney General.

(3) One Special Assistant for Public Relations.

(4) One Confidential Assistant to the Attorney General.

(5) Two Secretaries for the Attorney General.

(6) Two Receptionists for the Attorney General.

(7) One Confidential Assistant to the Attorney General.

(b) *Office of the Deputy Attorney General.* (1) Two Confidential Assistants (Private Secretaries) to the Deputy Attorney General.

(2) and (3) [Reserved]

(4) One Confidential Secretary to the Associate Deputy Attorney General.

(c) *Office of the Solicitor General.* (1) One Confidential Assistant (Private Secretary) to the Solicitor General.

(d) *Anti-Trust Division.* (1) Chief, Field Office (four positions).

(2) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(e) *Civil Division.* (1) Chief, Admiralty and Shipping Section, New York.

(2) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(3) One Private Secretary (interdepartmental activities).

(f) *Criminal Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(g) *Tax Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(h) *Land and Natural Resources Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(i) [Reserved]

(j) *Immigration and Naturalization Service.* (1) One Confidential Assistant (Private Secretary) to the Commissioner.

(k) *Board of Immigration Appeals.* (1) Executive Assistant.

(2) Four Members of the Board.

(l) *Office of Legal Counsel.* (1) One Confidential Assistant (Private Secretary) to the Attorney General.

(m) *Bureau of Prisons.* (1) The Director.

(n) *Federal Prison Industries, Inc.* (1) The Commissioner of Industries.

(o) *Office of U.S. Attorney.* (1) Secretary and Confidential Assistant to the U.S. Attorney (25 positions).

(p) *Internal Security Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(2) Chief, Civil Section.

(3) Chief, Foreign Agents Registration section.

(4) Chief, Criminal Section.

(q) *Civil Rights Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

(r) *Community Relations Service.* (1) Two Private Secretaries to the Director.

(2) One Private Secretary to the Deputy Director.

(3) One Private Secretary to the Special Assistant to the Director.

(4) One Program Evaluation and Development Officer.

(s) *Law Enforcement Assistance Administration.* (1) One Confidential Secretary to the Administrator.

(2) One Confidential Secretary to each of the two Associate Administrators.



(3) One Special Assistant to the Administrator.

(4) One Special Assistant to each of the two Associate Administrators.

§ 213.3311 Post Office Department.

(a) *Office of the Postmaster General.* (1) Four Special Assistants to the Postmaster General.

(2) One Receptionist.

(3) Four Assistants to the Executive Assistant to the Postmaster General.

(4) Two Confidential Assistants to the Postmaster General.

(5) Two Secretaries to the Executive Assistant to the Postmaster General.

(6) One Secretarial Assistant to the Postmaster General.

(7) One Confidential Administrative Assistant to the Postmaster General.

(8) One Private Secretary to each of the three Assistants to the Executive Assistant to the Postmaster General.

(9) One Administrative Assistant to the Executive Assistant to the Postmaster General.

(10) One Confidential Assistant to the Special Assistant to the Postmaster General (Information).

(11) [Reserved]

(12) One Director of Community Programs.

(13) One Private Secretary to the Deputy Executive Assistant to the Postmaster General.

(14) and (15) [Reserved]

(16) Seven Legislative Liaison Specialists.

(17) Four Legislative Research Assistants.

(b) *Bureau of Facilities.* (1) One Confidential Assistant to the Assistant Postmaster General.

(2) One Private Secretary to the Assistant Postmaster General.

(3)-(5) [Reserved]

(6) One Special Assistant to the Assistant Postmaster General (Financial Affairs).

(c) [Reserved]

(d) *Bureau of Personnel.* (1) One Private Secretary to the Assistant Postmaster General.

(e) *Office of the General Counsel.* (1) Two Private Secretaries to the General Counsel.

(f) *Bureau of Operations.* (1) One Confidential Assistant to the Assistant Postmaster General.

(g) *Bureau of Finance.* (1) [Reserved]

(2) One Special Representative to the Assistant Postmaster General.

(3) One Private Secretary to the Assistant Postmaster General.

(h) *Office of the Deputy Postmaster General.* (1) [Reserved]

(2) One Private Secretary to the Deputy Postmaster General.

(3) [Reserved]

(4) One Staff Assistant to the Deputy Postmaster General.

(5) One Special Assistant.

(6) Two Secretaries (interdepartmental activities).

(7) Three Special Assistants (interdepartmental activities).

(i) *Bureau of Planning and Marketing.* (1) One Private Secretary to the Assistant Postmaster General.

(2) One Executive Assistant to the Assistant Postmaster General.

(j) *Bureau of Research and Engineering.* (1) One Private Secretary to the Assistant Postmaster General.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* (1) Three Confidential Assistants and one Private Secretary to the Secretary.

(2) Seven Special Assistants to the Secretary.

(3) Six Confidential Assistants (Field Representatives).

(4) Chauffeur for the Secretary.

(5) One Special Assistant to the Assistant Secretary for Fish and Wildlife and Parks and one Confidential Assistant (Administrative Assistant) to each of the four Assistant Secretaries for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife and Parks.

(6)-(7) [Reserved]

(8) One Private Secretary to the Under Secretary.

(9) One Secretarial Attendant to the Secretary.

(10) One Staff Assistant to the Assistant Secretary for Public Land Management.

(11) One Assistant to the Secretary (International Affairs).

(12) One Assistant and Science Adviser to the Secretary.

(13) One Confidential Assistant to the Assistant Secretary for Water Quality and Research.

(14) Administrator, Defense Electric Power Administration.

(15) One Special Assistant to the Secretary (Communications).

(16) Director, Office of Minerals and Solid Fuels.

(17) One Staff Assistant to the Assistant Secretary for Water Quality and Research.

(18) One Special Assistant to the Assistant Secretary for Water Quality and Research.

(19) One Assistant to the Assistant Secretary for Water and Power Development.

(20) One Staff Assistant to the Director, Environmental Planning Staff.

(21) One Deputy Assistant Secretary for Applied Sciences, Office of the Assistant Secretary for Water Quality and Research.

(22) One Confidential Assistant to the Director, Office of Hearings and Appeals.

(b) *Office of the Solicitor.* (1) One Confidential Assistant to the Solicitor.

(2) Two Special Assistants to the Solicitor.

(3) One Confidential Assistant to the Deputy Solicitor.

(c) *U.S. Fish and Wildlife Service.*

(1) One Special Assistant to the Commissioner of Fish and Wildlife.

(2) One Confidential Assistant to the Commissioner of Fish and Wildlife.

(d) *Bureau of Mines.* (1) One Private Secretary to the Director.

(e) [Reserved]

(f) [Reserved]

(g) *Southeastern Power Administration.* (1) One Private Secretary to the Administrator.

(h) *National Park Service.* (1) Director.

(2) Confidential Assistant to the Director.

(3) Two Special Assistants to the Director.

(i) *Bonneville Power Administration.* (1) Administrator.

(2) Confidential Assistant to the Administrator.

(3) One Special Assistant to the Administrator.

(4) Two Assistants to the Administrator.

(j) *Bureau of Indian Affairs.* (1) Three Assistants to the Commissioner.

(2) One Private Secretary to the Commissioner.

(k) *Southwestern Power Administration.* (1) Administrator.

(2) Deputy Administrator.

(3) One Confidential Assistant to the Administrator.

(4) One Executive Assistant to the Administrator.

(l) *Office of Territories.* (1) One Confidential Assistant to the Director.

(2) One Secretary of American Samoa.

(3) One Chief Justice of American Samoa.

(4) One Private Secretary to the Governor of Virgin Islands.

(5) One Executive Assistant to the Governor of the Virgin Islands.

(6) One Confidential Assistant to the Governor of American Samoa.

(7) One Secretary to the Government Secretary of American Samoa.

(8) One Private Secretary to the Governor of Guam.

(9) One Secretary to the Government Secretary of Guam.

(10) Chief Justice of the Trust Territory.

(11) One Secretary to the High Commissioner of the Trust Territory.

(12) One Confidential Assistant to the High Commissioner of the Trust Territory.

(m) *Bureau of Outdoor Recreation.* (1) The Director.

(2) One Confidential Assistant to the Director.

(3) One Special Assistant to the Director.

(n) *Federal Water Pollution Control Administration.* (1) Commissioner.

(2) One Executive Assistant to the Commissioner.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* (1) One Administrative Assistant to the Secretary.

(2) One Assistant to the Secretary for Intergovernmental Affairs.

(3)-(4) [Reserved]

(5) Four Confidential Assistants to the Secretary.

(6) One Private Secretary to the Secretary.

(7) One Chauffeur for the Secretary.

(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.

(9) One Confidential Assistant to the Assistant Secretary for Marketing and Consumers' Services.

(10) One Private Secretary to each of the three Assistant Secretaries other than the Administrative Assistant Secretary.

(11)-(19) [Reserved]

(20) One Confidential Assistant to the Assistant Secretary for Rural Development and Conservation.

(21) [Reserved]

(22) One Confidential Assistant to the Executive Assistant to the Secretary.

(23) [Reserved]

(24) One Private Secretary to the Assistant to the Secretary for Intergovernmental Affairs.

(25) One Private Secretary to the Assistant to the Secretary for Public Affairs.

(b) *Rural Electrification Administration.* (1) One Private Secretary to the Administrator.

(2)-(3) [Reserved]

(4) Three Assistants to the Administrator.

(c) *Office of the Under Secretary.* (1) One Administrative Officer and Private Secretary to the Under Secretary.

(2) and (3) [Reserved]

(4) One Private Secretary to the Deputy Under Secretary for Congressional Liaison.

(5) One Private Secretary to the Deputy Under Secretary for Rural Development.

(d) *Office of the General Counsel.* (1)-(2) [Reserved]

(3) One Private Secretary to the General Counsel.

(e) *Foreign Agricultural Service.* (1) [Reserved]

(2) The Administrator.

(f) *Farmers Home Administration.* (1)-(2) [Reserved]

(3) One Assistant to the Administrator.

(4) Two Confidential Assistants to the Administrator.

(5) One Private Secretary to the Administrator.

(g) *Federal Crop Insurance Corporation.* (1) The Manager.

(2) Members of the Board of Directors.

(3) One Private Secretary to the Manager.

(h) *Agricultural Stabilization and Conservation Service.* (1) Administrator.

(2)-(3) [Reserved]

(4) Four Confidential Assistants to the Administrator.

(5) One Private Secretary to the Administrator.

(6) Director, Tobacco Division.

(7) Director, Livestock and Dairy Division.

(i) *Commodity Credit Corporation.* (1) The President.

(2) The Executive Vice-President.

(3) The Secretary.

(j) *Federal Extension Service.* (1)-(2) [Reserved]

(3) One Private Secretary to the Administrator.

(k) *Soil Conservation Service.* (1) Administrator.

(2) [Reserved]

(3) One Confidential Assistant to the Administrator.

(4) One Private Secretary to the Administrator.

(l) [Reserved]

(m) *Consumer and Marketing Service.* (1) The Administrator.

(2) One Private Secretary to the Administrator.

(3) Two Confidential Assistants to the Administrator.

(n) *Agricultural Economics.* (1) The Director.

(2) [Reserved]

(3) One Private Secretary to the Director.

(4) One Staff Assistant to the Director.

(o) [Reserved]

(p) *Science and Education.* (1) The Director.

(2) One Private Secretary to the Director.

(q) *Food and Nutrition Service.* (1) Two Confidential Assistants to the Administrator.

(r) *Farmer Cooperative Service.* (1) Two Confidential Assistants to the Administrator.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* (1) Six Confidential Assistants to the Secretary.

(2) Three Private Secretaries to the Secretary.

(3) Two Confidential Assistants and two Private Secretaries to the Under Secretary.

(4) One Confidential Assistant and one Private Secretary to the Assistant Secretary for Economic Affairs.

(5) One Confidential Assistant and one Private Secretary to the General Counsel.

(6) One Private Secretary to the Deputy General Counsel.

(7) One Chauffeur for the Secretary.

(8) One Confidential Assistant to the Assistant Secretary for Administration.

(9) Two Congressional Liaison Officers.

(10) One Private Secretary to the Director, Office of Field Services.

(11) Deputy Assistant Secretary for Statistics and Economic Research, Office of the Assistant Secretary for Economic Affairs.

(12) One Private Secretary to the Assistant to the Under Secretary.

(13) One Special Assistant to the Under Secretary.

(14) Director, Office of Foreign Direct Investments.

(15) [Reserved]

(16) Two Confidential Assistants and one Private Secretary to the Director, Office of Foreign Direct Investments.

(17) Two Confidential Assistants to the Director, Office of Minority Business Enterprise.

(18) [Reserved]

(19) Special Assistant to the Secretary for Policy Development.

(20) One Secretary (interdepartmental activities), Office of Foreign Direct Investments.

(21) Assistant to the Secretary.

(22) One Confidential Assistant to the Special Assistant to the Secretary for Policy Development.

(b) [Reserved]

(c) *Business and Defense Services Administration.* (1) [Reserved]

(2) Four Confidential Assistants to the Administrator.

(3) One Confidential Assistant to the Deputy Administrator.

(4) One Secretarial Assistant to the Administrator.

(d) *Bureau of the Census.* (1) During the 1970 Decennial Census period, one Confidential Assistant to the Director.

(2) During the 1970 Decennial Census period, one Confidential Research Assistant to the Director.

(e) [Reserved]

(f) *National Bureau of Standards.* (1) One Private Secretary to the Director.

(g) [Reserved]

(h) *Patent Office.* (1) One Private Secretary to the Commissioner.

(i) [Reserved]

(j) *Maritime Administration.* (1) One Special Assistant and one Confidential Assistant to the Administrator.

(2) One Private Secretary to the General Counsel.

(3) One Executive Assistant to the Administrator.

(k) [Reserved]

(l) *U.S. Travel Service.* (1) One Confidential Assistant to the Director.

(m) *Office of the Assistant Secretary for Domestic and International Business.* (1) One Private Secretary and two Confidential Assistants to the Assistant Secretary for Domestic and International Business.

(2) [Reserved]

(3) One Private Secretary to the Director, Bureau of International Commerce.

(4) [Reserved]

(5) One Confidential Assistant to the Director, Bureau of International Commerce.

(6) Three Confidential Assistants to the Director, Bureau of International Commerce.

(7) National Export Expansion Coordinator.

(8) Director, Bureau of Domestic Commerce.

(9) Deputy Director, Bureau of Domestic Commerce.

(n) *Office of the Assistant Secretary for Science and Technology.* (1) Two Special Assistants to the Assistant Secretary for Science and Technology.

(o) [Reserved]

(p) *Environmental Science Services Administration.* (1) One Private Secretary to the Administrator.

(q) *Office of the Assistant Secretary for Economic Development.* (1) One Private Secretary to the Assistant Secretary for Economic Development.

(2) One Director, Office of Business Development, Economic Development Administration.

(3) One Special Assistant to the Deputy Assistant Secretary for Economic Development.

(4) One Assistant to the Deputy Assistant Secretary for Policy Coordination.

(5) One Executive Assistant to the Deputy Assistant Secretary for Economic Development Planning.

(6) One Special Assistant to the Deputy Assistant Secretary for Economic Development Operations.

(7) Director, Office of Congressional Relations.

(8) [Reserved]

(9) Two Congressional Liaison Officers.

(10) Director, Office of Public Affairs.

**§ 213.3315 Department of Labor.**

(a) *Office of the Secretary.* (1) Four Special Assistants, one Confidential Assistant, and one Confidential Assistant (Private Secretary) to the Secretary of Labor.

(2) One Private Secretary to the Under Secretary.

(3) One Private Secretary to each Assistant Secretary of Labor who is appointed by the President.

(4) One Private Secretary to the Secretary.

(5) [Reserved]

(6) One Assistant to each Assistant Secretary of Labor appointed by the President.

(7) One Private Secretary to the Executive Assistant to the Secretary.

(8) Two Assistants to the Special Assistant to the Secretary, Office of Legislative Liaison.

(9) The Manpower Administrator.

(10) One Private Secretary to the Economic Adviser to the Secretary.

(11) One Private Secretary to the Manpower Administrator.

(12) One Private Secretary to the Associate Manpower Administrator for Policy, Evaluation, and Research.

(13) [Reserved]

(14) One Private Secretary to the Special Assistant to the Secretary for Communications.

(15) Deputy Under Secretary for International Labor Affairs.

(16) One Confidential Assistant to the Deputy Under Secretary for International Affairs.

(17) One Confidential Assistant to the Special Assistant to the Secretary for Legislative Affairs.

(18) One Assistant to the Special Assistant to the Secretary for Communications.

(19) One Confidential Assistant to the Chairman, Citizens' Advisory Council on the Status of Women.

(20) One Management Assistant to the Under Secretary.

(b) *Office of the Solicitor.* (1) One Private Secretary to the Solicitor.

(2) One Special Assistant to the Solicitor.

(c) *Bureau of Employment Security.* (1) One Secretary (Stenography) in the Office of the Administrator.

(d) *Bureau of Labor Statistics.* (1) One Private Secretary to the Commissioner.

(e) *Bureau of Apprenticeship and Training.* (1) One Private Secretary to the Administrator.

(f) *Women's Bureau.* (1) One Private Secretary to the Director.

(2) Three Special Assistants to the Director.

(g) *Bureau of Labor Standards.* (1) One Private Secretary to the Director.

(h) *Wage and Hour and Public Con-*

*tracts Divisions.* (1) One Confidential Assistant to the Administrator.

(i) *Office of Federal Contract Compliance.* (1) One Special Assistant to the Director.

**§ 213.3316 Department of Health, Education, and Welfare.**

(a) *Office of the Secretary.* (1) [Reserved]

(2) Two Confidential Assistants to the Secretary.

(3) Four Writers.

(4) One Assistant to the Secretary.

(5) Two Confidential Secretaries to the Under Secretary.

(6) Five Confidential Assistants to the Under Secretary.

(7) One Confidential Secretary to the Assistant to the Secretary authorized under subparagraph (7) of this paragraph.

(8) One Staff Assistant to the Secretary.

(9) One Confidential Secretary to each of the Assistants to the Secretary authorized under subparagraph (4) of this paragraph.

(10) Two Confidential Secretaries to the Special Assistant to the Secretary (for Mental Retardation Activities).

(11) Eight Assistants to the Secretary for Special Programs.

(12) One Confidential Assistant to the Special Assistant to the Secretary (for Mental Retardation Activities).

(13) Eight Assistants to the Secretary.

(14) One Confidential Secretary to the Deputy Under Secretary.

(15) Three Private Secretaries to the Secretary.

(16) Two Confidential Assistants to the Deputy Under Secretary.

(17) One Assistant to the Director of Public Information.

(18) Two Confidential Assistants for interdepartmental activities.

(19) Counselor.

(b) [Reserved]

(c) *Office of Education.* (1) Four Special Assistants to the Commissioner of Education.

(2) [Reserved]

(3) One Assistant to the Deputy Commissioner.

(4) One Staff Assistant to the Deputy Commissioner.

(5) One Confidential Secretary to the Deputy Commissioner.

(6) One Private Secretary (interdepartmental activities) to the Commissioner of Education.

(d) [Reserved]

(e) [Reserved]

(f) *Office of the Assistant Secretary for Legislation.* (1) Two Special Assistants to the Assistant Secretary.

(2) One Confidential Secretary to the Deputy Assistant Secretary for Legislation.

(3) Two Confidential Secretaries to the Assistant Secretary.

(4) Two Special Assistants to the Deputy Assistant Secretary for Legislation.

(5) One Assistant to the Assistant Secretary.

(6) One Deputy Assistant Secretary for Legislation (Education).

(7) One Special Assistant to the Deputy Assistant Secretary for Legislation (Education).

(8) [Reserved]

(9) One Special Assistant to the Deputy Assistant Secretary for Legislation (Welfare).

(10) Three Special Assistants to the Deputy Assistant Secretary for Congressional Liaison.

(11) One Special Assistant to the Deputy Assistant Secretary for Legislation (Health).

(g) *Welfare Administration.* (1) The Commissioner.

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* (1) Two Confidential Secretaries to the Assistant Secretary for Health and Scientific Affairs.

(2) [Reserved]

(3) Two Assistants to the Assistant Secretary.

(4) Two Special Assistants to the Assistant Secretary.

(5) The Commissioner, Food and Drug Administration.

(6) Administrator, Health Services and Mental Health Administration.

(7) One Special Assistant to the Deputy Assistant Secretary for Population Affairs.

(8) One Confidential Assistant (interdepartmental activities) to the Administrator, Health Services and Mental Health Administration.

(9) One Private Secretary (interdepartmental activities) to the Commissioner, Food and Drug Administration.

(10) Director, Office of Environmental Health Affairs.

(i) *Administration on Aging.* (1) Two Confidential Secretaries to the Commissioner on Aging.

(j) *Office of the Assistant Secretary for Education.* (1) Two Confidential Assistants to the Assistant Secretary for Education.

(2) [Reserved]

(3) One Confidential Secretary to the Assistant Secretary.

(k) *Office of the Assistant Secretary for Planning and Evaluation.* (1) One Confidential Secretary to the Assistant Secretary.

(2) Two Confidential Assistants for Special Projects to the Assistant Secretary.

(3) One Special Assistant to the Assistant Secretary for Special Initiatives.

(4) Two Special Assistants to the Assistant Secretary.

(5) One Assistant to the Assistant Secretary.

(6) One Special Assistant to the Deputy Assistant Secretary for Interdepartmental Affairs.

(7) One Special Assistant to the Deputy Assistant Secretary for Planning for Education.

(8) One Special Assistant to the Deputy Assistant Secretary for Planning for Social Services and Income Maintenance.

(9) One Special Assistant to the Deputy Assistant Secretary for Evaluation and Program Monitoring.

(10) One Special Assistant for Telecommunications.



(1) *Social Security Administration.*  
(1) One Deputy Commissioner.

(2) One Confidential Assistant to the Commissioner.

(3) One Confidential Assistant (inter-departmental activities) to the Commissioner.

(m) [Reserved]

(n) *Office of the Assistant Secretary for Community and Field Services.* (1) Two Confidential Secretaries to the Assistant Secretary for Community and Field Services.

(2) One Assistant and Two Special Assistants to the Assistant Secretary for Community and Field Services.

(3) One Special Assistant for Juvenile Delinquency to the Deputy Assistant Secretary for Youth and Student Affairs.

(4) [Reserved]

(5) Two Special Assistants to the Deputy Assistant Secretary for Community and Field Services.

(6) One Special Assistant to the Deputy Assistant Secretary for Youth and Student Affairs.

(7) One Special Assistant for Student Affairs to the Deputy Assistant Secretary for Youth and Student Affairs.

(8) One Special Assistant for Youth Development to the Deputy Assistant Secretary for Youth and Student Affairs.

(9) Two Assistants to the Deputy Assistant Secretary for Consumer Services.

(10) One Special Assistant for Consumer Education Programs to the Deputy Assistant Secretary for Consumer Services.

(11) One Special Assistant for Inter-departmental Affairs to the Deputy Assistant Secretary for Consumer Services.

(12) One Deputy Assistant Secretary for Community and Field Services.

(13) [Reserved]

(14) Two Special Assistants to the Deputy Assistant Secretary for Community Development and Director, Center for Community Planning.

(o) *Social and Rehabilitation Service.*  
(1) Administrator, Social and Rehabilitation Service.

(2) Two Confidential Assistants to the Chief, Children's Bureau.

(3) One Confidential Assistant to the Administrator.

(4) Commissioner of Vocational Rehabilitation.

(5) One Confidential Assistant to the Commissioner of Vocational Rehabilitation.

(6) One Confidential Assistant to the Commissioner, Medical Services Administration.

(7) One Confidential Assistant to the Director of Juvenile Delinquency.

(8) One Confidential Assistant (inter-departmental activities) to the Administrator.

(p) *Office of the General Counsel.* (1) One Confidential Secretary to the General Counsel.

(2) One Assistant to the General Counsel.

(3) Two Special Assistants to the General Counsel.

(4) One Special Assistant to the Deputy General Counsel.

(q) *Office of the Special Assistant to the Secretary for Civil Rights.* (1) Two Special Assistants to the Special Assistant.

(2) One Confidential Secretary to the Special Assistant.

(3) One Assistant to the Special Assistant.

(4) Five Special Assistants for Special Groups.

(5) One Special Assistant for Public Affairs.

(6) One Special Assistant for Congressional Liaison.

(7) Two Special Assistants to the Deputy Special Assistant.

§ 213.3317 *Overseas Private Investment Corporation.*

(a) One Chauffeur to the President.

§ 213.3322 *Interstate Commerce Commission.*

(a) One Confidential Assistant to each Commissioner.

(b)-(c) [Reserved]

(d) One Confidential Assistant to the Managing Director.

(e) One Congressional Liaison Assistant.

(f) One Secretary to the Congressional Liaison Officer.

§ 213.3325 *The Tax Court of the United States.*

(a) One Private Secretary and one Technical Assistant for the Chief Judge and one Private Secretary and two Technical Assistants for each Judge.

§ 213.3326 *Office of Emergency Preparedness.*

(a) *Office of the Director.* (1) Two Administrative Assistants to the Director.

(2) One Courier.

(3) Five Special Assistants to the Director.

(4) General Counsel.

(5) One Secretary to the Special Assistant to the Director (for oil and related energy problems).

(b) *Office of the Deputy Director.* (1) One Confidential Administrative Assistant to the Deputy Director.

(2) One Secretary to the Deputy Director.

(3) One Special Assistant to the Deputy Director.

(c) [Reserved]

(d) *Office of the Assistant Director.* (1) One Confidential Administrative Assistant to the Assistant Director.

(2) One Special Assistant to the Assistant Director.

(e) *Office of the Assistant Director.*

(1) One Confidential Administrative Assistant to the Assistant Director.

(f) *Office of Liaison.* (1) The Director.

(2) Deputy Director.

(g)-(m) [Reserved]

(n) *Program Planning and Evaluation Office.* (1) The Director.

(o) *National Resource Analysis Center.* (1) Director.

(p) *Field Operations Office.* (1) The Director.

§ 213.3327 *Veterans Administration.*

(a) *Office of the Administrator.* (1) Six Confidential Assistants to the Special Assistant to the Administrator.

(2) The Deputy Administrator.

(3) The General Counsel.

(4) The Associate Deputy Administrator.

(5) One Confidential Assistant to the Associate Deputy Administrator.

(b) *Department of Veterans Benefits.* (1) The Chief Benefits Director.

§ 213.3328 *U.S. Information Agency.*

(a) Two Secretarial Assistants to the Deputy Director.

(b) [Reserved]

(c) One Secretarial Assistant to the Director.

(d) One Secretary to the Director.

(e) One Special Assistant to the Deputy Director.

(f) One Special Assistant to the Director.

(g) Deputy Director (Policy and Plans).

(h) Associate Director (Policy and Plans).

(i) [Reserved]

(j) One Special Assistant to the Assistant Director (Press and Publications).

(k) One Special Assistant to the Associate Director (Policy and Plans).

§ 213.3329 *Federal Power Commission.*

(a) Three Private Secretaries in the Office of the Chairman, one Confidential Assistant to the Chairman, and one Private Secretary, and one Confidential Assistant to each other Commissioner.

(b) One Assistant to the Chairman.

(c)-(d) [Reserved]

(e) Two Private Secretaries to the Executive Director.

(f) Two Technical Assistants to each Commissioner.

(g)-(h) [Reserved]

(i) The Assistant Executive Director.

(j) One Secretary to the Advisor on Environmental Quality.

(k) One Private Secretary to the Assistant to the Chairman.

§ 213.3330 *Securities and Exchange Commission.*

(a)-(c) [Reserved]

(d) Two Confidential Assistants to the Chairman and one Confidential Assistant to each of the other four Members of the Commission.

§ 213.3331 *National Mediation Board.*

(a) One Private Secretary to each Member of the National Railroad Adjustment Board.

§ 213.3332 *Small Business Administration.*

(a) One Deputy Administrator, the Associate Administrator for Investment, the Associate Administrator for Financial Assistance, and the Associate Administrator for Procurement and Management Assistance.

(b) Three Special Assistants to the Administrator.

(c) Two Private Secretaries to the Administrator.

(d) Special Assistant for Equal Employment Opportunity.

(e) Four Congressional Relations Officers.

(f) Director, Office of Congressional Relations.

(g) One Advisory Councils Officer.

(h) Two Special Assistants to the Associate Administrator for Investment.

(i) One Confidential Assistant to the Deputy Administrator.

(j) One Special Assistant to the Associate Administrator for Procurement and Management Assistance.

(k) One Confidential Assistant to the Associate Administrator for Procurement and Management Assistance.

(l) One Confidential Assistant to the Assistant Administrator for Congressional and Public Affairs.

(m) One Principal Special Assistant to the Administrator.

(n) One Confidential Assistant to the Principal Special Assistant to the Administrator.

(o) One Congressional and Public Affairs Officer.

(p) One Congressional Liaison Assistant.

(q) Two Staff Assistants to the Associate Administrator for Procurement and Management Assistance.

(r) One Private Secretary for Interdepartmental Activities, Office of the Assistant Administrator for Congressional and Public Affairs.

(s) One Confidential Assistant to the General Counsel.

#### § 213.3333 Federal Deposit Insurance Corporation.

(a) One Assistant to each member of the Board of Directors.

(b) One Confidential Assistant to the Board of Directors.

(c) General Counsel.

(d) One Special Assistant to the Chairman.

(e) Executive Assistant and Controller.

(f) One Managerial Aide to the Director (Appointive).

(g) One Special Assistant to the Director (Appointive).

#### § 213.3334 Federal Trade Commission.

(a) Secretary to the Chairman.

(b) Director of Information.

(c) One Secretary to the Director of Information.

#### § 213.3337 General Services Administration.

(a) Office of the Administrator. (1) Six Members of the Board of Contract Appeals.

(2) The Deputy Administrator.

(3) The Assistant Administrator.

(4) Two Confidential Assistants to the Assistant Administrator.

(5) One Confidential Assistant to the Deputy Administrator.

(6) Two Confidential Assistants to the Administrator.

(7) One Special Assistant to the Administrator.

(8) Two Special Assistants to the Assistant Administrator.

(9) The Director of Congressional Affairs.

(10) One Executive Assistant to the Assistant Administrator.

(11) One Confidential Assistant to the General Counsel.

(12) Executive Assistant to the Administrator.

(b) *Public Buildings Service.* (1) The Commissioner.

(2) Two Confidential Assistants to the Commissioner.

(c) *Federal Supply Service.* (1) The Commissioner.

(2) One Confidential Assistant to the Commissioner.

(d) *National Archives and Records Service.* (1) The Archivist of the United States.

(2) Confidential Assistant to the Archivist of the United States.

(e) [Reserved]

(f) *Property Management and Disposal Service.* (1) Commissioner.

(2) Three Confidential Assistants to the Commissioner.

(g) *National Advisory Council on Economic Opportunity.* (1) One Special Assistant to the Chairman.

(h) *Transportation and Communications Service.* (1) One Confidential Assistant to the Commissioner.

(2) Commissioner, Transportation and Communications Service.

#### § 213.3339 U.S. Tariff Commission.

(a) One Confidential Assistant to each Commissioner.

#### § 213.3340 Civil Aeronautics Board.

(a) One Administrative Assistant to each Member of the Board.

(b) One Secretary to each Member of the Board.

#### § 213.3341 National Labor Relations Board.

(a) One Private Secretary to the Chairman of the Board.

(b) One Confidential Assistant to each Board Member.

(c) Two Special Assistants to the General Counsel.

(d) One Confidential Assistant to the General Counsel.

(e) One Special Assistant to the Chairman.

(f) One Chief Counsel to the Chairman.

#### § 213.3342 Export-Import Bank of the United States.

(a) One Confidential Assistant to the President.

(b) One Private Secretary to the First Vice-President.

(c) One Private Secretary to each of the three members of the Board of Directors.

(d) Two Special Assistants to the President and Chairman.

(e) One Private Secretary to the Vice President for Planning and Export Expansion.

(f) One Assistant and Confidential Secretary to the Vice President and Special Assistant to the Board.

(g) One Private Secretary to the Executive Vice President.

(h) One Private Secretary to the Special Assistant to the President and Chairman who serves as Economic Adviser to the Chairman and Board of Directors.

#### § 213.3343 Farm Credit Administration.

(a) Three Directors of Credit Services.

#### § 213.3345 Indian Claims Commission.

(a) One Private Secretary to each Commissioner.

#### § 213.3346 Selective Service System.

(a) One Confidential Assistant to the Director of Selective Service.

(b) One Private Secretary to the General Counsel.

#### § 213.3348 National Aeronautics and Space Administration.

(a) One Secretary to the Administrator.

(b) One Secretary to the Deputy Administrator.

(c) One Secretary to each of the following: The Associate Administrator for Manned Space Flight, the Associate Administrator for Advanced Research and Technology, and the Associate Administrator for Space Science and Applications.

(d) Associate Administrator.

(e) Associate Administrator for Advanced Research and Technology.

(f) Associate Administrator for Space Science and Applications.

(g) Associate Administrator for Manned Space Flight.

(h) Associate Deputy Administrator.

(i) Deputy Associate Administrator.

(j) General Counsel.

(k) and (l) [Reserved]

(m) One Secretary to the Associate Administrator.

#### § 213.3350 Foreign Claims Settlement Commission of the United States.

(a) Special Assistant to the Commissioners.

(b) One Confidential Assistant to the Chairman.

(c) One Private Secretary to the Chairman and to each of the other two Commissioners.

#### § 213.3351 Subversive Activities Control Board.

(a) One Executive Secretary and Chief Clerk.

(b) One Private Secretary to each Member of the Board.

(c) One Confidential Administrative Assistant to each Member of the Board.

#### § 213.3354 Federal Home Loan Bank Board.

(a) Two Secretaries to the Chairman of the Board.

(b) Two Secretaries to Board Members.

(c) One Assistant to each of three Board Members (including the Chairman).

(d) One Private Secretary to the Assistant to each of two Board Members (including the Chairman) and one Sec-

retary (Administrative) to the Assistant to the third Board Member.

(e) Director, Office of Communications.

§ 213.3355 The Renegotiation Board.

(a) One Special Assistant to the Chairman and one Special Assistant to each of the other four Renegotiation Board Members.

(b) One Secretary to the Chairman.

(c) One Secretary to each of the four Board Members.

§ 213.3356 Commission on Civil Rights.

(a) One Confidential Secretary to the Staff Director.

(b) One Program Assistant (Special Assistant to the Staff Director).

(c) One Special Assistant to the Staff Director.

§ 213.3364 U.S. Arms Control and Disarmament Agency.

(a) One Private Secretary to the Director.

(b) One Private Secretary to the Deputy Director.

(c) One Private Secretary to each Assistant Director appointed by the President (four positions).

(d) One Public Affairs Adviser.

(e) The General Counsel.

(f) One Private Secretary to the General Counsel.

(g) One Private Secretary to the Deputy Assistant Director, Bureau of Economics.

§ 213.3367 Federal Maritime Commission.

(a) One Confidential Assistant to each Commissioner.

(b) One Private Secretary to the Chairman, one Private Secretary to each Commissioner, one Private Secretary to the General Counsel, and one Private Secretary to the Managing Director.

§ 213.3368 Agency for International Development.

(a) *Office of the Administrator.* (1) Three Special Assistants to the Administrator.

(2) One Confidential Assistant (Private Secretary) to the Administrator.

(3) One Chauffeur for the Administrator.

(4) One Private Secretary to the Deputy Administrator.

(b) [Reserved]

(c) *Office of the General Counsel.* (1) One Private Secretary to the General Counsel.

(2) The General Counsel.

(d) [Reserved]

(e) *Office of the Assistant Administrator for Legislative and Public Affairs.* (1) One Private Secretary to the Assistant Administrator.

(2) One Staff Assistant to the Director, Congressional Liaison Staff.

(3) One Private Secretary to the Director, Congressional Liaison Staff.

(4) One Staff Assistant (Congressional Liaison) to the Director, Congressional Liaison Staff.

(5) Four Congressional Liaison Officers.

§ 213.3371 President's Committee on Consumer Interests.

(a) One Confidential Assistant to the Special Assistant to the President for Consumer Affairs.

(b) and (c) [Reserved]

(d) One Public Affairs Officer.

(e) One Director for Legislative Affairs.

(f) One Director for Consumer Education.

(g) One Director for Publications.

(h) One Secretary to the Director for Legislative Affairs.

§ 213.3372 Administrative Office of the U.S. Courts.

(a) One Assistant Director.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* (1) One Executive Secretary.

(2) One Assistant Director for Research, Plans, Programs, and Evaluation.

(3) One Special Assistant to the Director and one Confidential Assistant to this Special Assistant.

(4) Special Assistant to the Deputy Director.

(5) One Confidential Assistant to the Director.

(6) Two Confidential Secretaries and one Private Secretary to the Director.

(7) [Reserved]

(8) One Special Assistant to the Assistant Director for Research, Plans, Programs, and Evaluation.

(9) [Reserved]

(10) Two Confidential Assistants to the Associate Director for Public Affairs.

(11) Two Special Assistants to the Executive Secretary (interdepartmental activities).

(12) One Deputy Associate Director for Public Affairs.

(13) One Special Assistant to the Director and one Confidential Secretary to this Special Assistant.

(14) One Special Assistant to the General Counsel.

(15) [Reserved]

(16) Two Confidential Assistants to the Assistant Director for Research, Plans, Programs, and Evaluation.

(17) One Confidential Secretary to the Deputy Director.

(18) One Confidential Staff Assistant to the General Counsel.

(19) Not to exceed 10 positions of Policy Advisor, Policy Analyst, and Confidential Assistant in the Office of Planning and Program Analysis.

(20) One Confidential Secretary to the Chairman, Planning and Review Committee.

(21) One Human Rights Officer.

(22) One Confidential Staff Assistant to the Human Rights Officer.

(23) One Deputy Assistant Director for Program Development.

(24) One Confidential Assistant to the Assistant Director for Program Development.

(25) One Planning and Review Advisor to the Chairman of the Planning and Review Committee.

(26) One Confidential Staff Assistant to the Executive Secretary (interdepartmental activities).

(b) *Community Action Program.* (1) One Associate Director for Program Planning.

(c) *Office of the Assistant Director for Operations.* (1) One Special Assistant to the Assistant Director.

(2) Three Confidential Staff Assistants to the Assistant Director.

(d) *Office of the Assistant Director for Special Programs.* (1) One Confidential Assistant to the Assistant Director.

(2) One Coordinator, Youth Affairs Program.

(3) One Coordinator, Older Persons Program.

(4) One Coordinator, Voluntary Action Program.

(5) One Coordinator, Rural Affairs Program.

(6) Deputy Assistant Director for Special Programs and Special Assistant to the Director.

(e) *Office of the Associate Director for Congressional and Governmental Relations.* (1) [Reserved]

(2) One Confidential Adviser to the Associate Director.

(3) One Special Assistant to the Associate Director.

(4) Three Confidential Assistants to the Associate Director.

(5) One Confidential Secretary to the Associate Director.

(6) Chief, Congressional Relations Division.

(7) Four Congressional Relations Specialists.

(8) Chief, Governmental Relations Division.

(9) Chief, Private Sector Relations Division.

(f) *Volunteers in Service to America.* (1) One Special Assistant to the Assistant Director for VISTA.

(2) Two Deputy Assistant Directors for VISTA.

(3) One Confidential Staff Assistant to the Assistant Director for VISTA.

§ 213.3374 Smithsonian Institution.

(a) One Confidential Executive Assistant to the Secretary.

§ 213.3376 Appalachian Regional Commission.

(a) Three Special Assistants to the Federal Cochairman and one Special Assistant to his Alternate.

(b) One Private Secretary to the Federal Cochairman and one Private Secretary to his alternate.

§ 213.3377 Equal Employment Opportunity Commission.

(a) Three Special Assistants to the Chairman.

(b) One Special Assistant and one Secretary to each Member of the Commission.

(c) Two Secretaries to the Chairman.

(d) One Secretary to each of two Special Assistants to the Chairman.

(e) One Public Information Officer.

§ 213.3382 National Foundation on the Arts and the Humanities.

(a) One Executive Secretary to the Chairman, National Endowment for the Arts.

(b) One Assistant to the Chairman, National Endowment for the Arts.

(c) Two Staff Assistants to the Chairman, National Endowment for the Arts.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* (1) One Deputy Under Secretary for Policy Analysis and Program Evaluation.

(2) One Executive Secretary to the Secretary.

(3) One Private Secretary to the Under Secretary.

(4) Special Assistant (Model Cities Program) to the Under Secretary.

(5) One Private Secretary to the Deputy Under Secretary for Policy Analysis and Program Evaluation.

(6) One Private Secretary to the General Counsel.

(7) One Executive Secretary.

(8) One Staff Assistant to the Secretary.

(9) Four Special Assistants to the Under Secretary.

(10) One Private Secretary to the Assistant to the Secretary for Congressional Relations.

(11) One Special Assistant to the Under Secretary.

(12) Four Special Assistants to the Secretary.

(13) One Special Assistant to the Director of Public Affairs.

(14) One Deputy Director, Division of International Affairs.

(15) Director, Office of Industry Participation.

(16) One Private Secretary to the Director of Regional Support.

(17) Federal Insurance Administrator.

(18) One Private Secretary to the Deputy General Counsel.

(19) Two Special Assistants to the General Counsel.

(20) Deputy Assistant Secretary for Equal Opportunity.

(21) Deputy General Counsel.

(22) One Special Assistant to the Assistant to the Secretary for Congressional Relations.

(23) One Private Secretary to the Deputy Assistant to the Secretary for Congressional Relations.

(24) One Staff Assistant to the Under Secretary.

(25) One Special Assistant to the Director of Public Affairs.

(26) Seven Senior Assistants for Congressional Relations.

(27) Twelve Assistants for Congressional Relations.

(28) One Special Assistant to the Director, Division of International Affairs.

(29) Four Program Assistants for interdepartmental activities.

(b) *Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Administration Commissioner.* (1) One Private Secretary to the Assistant Secretary.

(2) Deputy Assistant Secretary for Housing Production and Mortgage Credit—Deputy Federal Housing Administration Commissioner.

(3) One Assistant to the Commissioner (Special Projects).

(4) One Special Assistant to the Assistant Secretary.

(5) One Confidential Assistant to the Assistant Commissioner for Programs.

(6) [Reserved]

(7) One Special Assistant for Elderly Housing.

(8) One Special Assistant for Nursing Homes.

(c) *Office of the Assistant Secretary for Renewal and Housing Management.*

(1) One Private Secretary to the Assistant Secretary.

(2) Director, Office of Renewal Assistance.

(3) [Reserved]

(4) Two Special Assistants to the Assistant Secretary.

(5) One Staff Assistant to the Director, Office of Housing Management.

(6) One Deputy Assistant for Problems of the Elderly and the Handicapped.

(7) One Special Assistant to the Director, Office of Renewal Assistance.

(8) Deputy Assistant Secretary for Renewal and Housing Management.

(9) One Special Assistant to the Director, Office of Housing Management.

(d) *Office of the Assistant Secretary for Metropolitan Planning and Development.* (1) One Private Secretary to the Assistant Secretary.

(2) [Reserved]

(3) Six Special Assistants to the Assistant Secretary.

(4)–(6) [Reserved]

(7) One Private Secretary to the Deputy Assistant Secretary.

(8) Deputy Assistant Secretary for Metropolitan Planning and Development.

(9) Director, Office of Planning Assistance and Standards.

(e) *Office of the Assistant Secretary for Model Cities.* (1) One Private Secretary to the Assistant Secretary.

(2) [Reserved]

(3) Four Special Assistants to the Assistant Secretary.

(4) [Reserved]

(5) Deputy Assistant Secretary for Model Cities.

(f) *Office of the Assistant Secretary for Equal Opportunity.* (1) One Private Secretary to the Assistant Secretary.

(2) One Private Secretary to the Deputy Assistant Secretary.

(3) One Special Assistant to the Assistant Secretary.

(4) One Special Assistant to the Deputy Assistant Secretary.

(g) *Office of the Assistant Secretary for Research and Technology.* (1) One Private Secretary to the Assistant Secretary.

(2) One Special Assistant to the Assistant Secretary.

(3) The Director of Special Projects, Operation "Breakthrough."

§ 213.3385 President's Council on Youth Opportunity.

(a) Executive Director.

§ 213.3386 Regional Commissions, Public Works and Economic Development Act of 1965.

(a) One Special Assistant to the Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.

(b) One Special Assistant to the Alternate Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.

(c) One Private Secretary to the Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.

(d) One Private Secretary to the Alternate Federal Cochairman of each Regional Commission established under the Public Works and Economic Development Act of 1965.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* (1) One Deputy Under Secretary.

(2) One Special Assistant to the Secretary.

(3) Two Confidential Secretaries to the Secretary.

(4) [Reserved]

(5) Two Confidential Secretaries to the Assistant Secretary for Public Affairs.

(6) One Confidential Secretary to the General Counsel.

(7) One Confidential Secretary to the Under Secretary of Transportation.

(8) One Special Assistant to the Assistant Secretary for Public Affairs.

(9) One Confidential Secretary to the Assistant Secretary for Research and Technology.

(10) Special Assistant for Special Projects.

(11) Two Special Assistants to the Under Secretary of Transportation.

(12) One Chauffeur to the Secretary.

(13) One Chauffeur to the Under Secretary.

(14) One Special Assistant to the Assistant Secretary for Urban Systems and Environment.

(15) One Special Assistant to the Deputy Under Secretary of Transportation.

(16) One State Liaison Officer, Office of the Assistant Secretary for Public Affairs.

(17) Five Congressional Liaison Officers.

(18) Director, Office of Congressional Relations.

(19) One Special Assistant to the Director of Intergovernmental Relations.

(20) One Special Assistant to the Assistant Secretary for Research and Technology.

(21) One Special Assistant to the Assistant Secretary for Policy and International Affairs.

(22) One Confidential Secretary to the Assistant Secretary for Safety and Consumer Affairs.

(b) *National Transportation Safety Board.* (1) One Administrative Assistant to each of the five Board members.

(2) One Confidential Secretary to each of the five Board members.

(c) [Reserved]

(d) *Federal Highway Administration.* (1) Deputy Administrator.

(2) One Special Assistant to the Deputy Administrator.

(3) One Private Secretary to the Administrator.

(4) One Private Secretary to the Director, National Highway Safety Bureau.

(5) One Special Assistant to the Director, National Highway Safety Bureau.

(e) *Federal Railroad Administration.* (1) One Special Assistant to the Administrator.

(2) One Special Assistant to the Deputy Administrator.

(f) *Urban Mass Transportation Administration.* (1) One Assistant Administrator for Public Affairs.

(2) One Confidential Secretary to the Administrator.

(g) *St. Lawrence Seaway Development Corporation.* (1) Two Special Assistants to the Administrator.

(2) One Confidential Secretary to the Administrator.

(h) *Federal Aviation Administration.* (1) One Private Secretary to the Administrator.

(2) One Assistant Administrator for Congressional Liaison.

(3) One Assistant to the Assistant Administrator for Congressional Liaison.

(4) One Confidential Secretary (interdepartmental activities) to the Assistant Administrator for Congressional Liaison.

(5) One Special Assistant for Environmental Quality Problems to the Assistant Administrator for Public Affairs.

(6) One Special Assistant for Environmental Quality Problems to the Assistant Administrator for Public Affairs.

(7) General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

Executive Assistant to the Commissioners.

[F.R. Doc. 70-16953; Filed, Dec. 16, 1970; 8:48 a.m.]

## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### Subpart—Japanese Beetle

###### REGULATED AREAS

Under the authority of § 301.48-2 of the Japanese Beetle Quarantine regulations, 7 CFR 301.48-2, as amended, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.48-2a as follows:

§ 301.48-2a Regulated areas; suppressive and generally infested areas.

The civil divisions and parts of civil divisions described below are designated as Japanese beetle regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

###### GEORGIA

(1) *Generally infested area.*

*Banks County.* The entire county.

*Barrow County.* That portion of the county lying within Georgia Militia Districts 1744, 243 1743, 1740, 316, and 249.

*Cherokee County.* Georgia Militia Districts 1031, 1000, 818, 1174, 1010, 1015, and 1632, and that part of 792 north and east of State Highway 140, including the city of Canton.

*Clarke County.* That portion of the county lying within Georgia Militia Districts 219, 1347, 241, and 216.

*Clayton County.* The entire county.

*Cobb County.* That portion of the county lying south of State Highway 120, including all the area within the corporate limits of the city of Marietta, and that portion of Georgia Militia Districts 1319, 1679, and 897 lying north of State Highway 120, and all of Georgia Militia District 1697.

*Douglas County.* That portion of the county lying within Georgia Militia Districts 1273 and 784, and that part of 736 east of Annawakee Creek.

*Fannin County.* Georgia Militia Districts 1027, 1242, 1488, 1308, 913, 1025, 1457, 1205, and 844.

*Franklin County.* The entire county, except Georgia Militia Districts 1420, 370, and 1363.

*Gilmer County.* Georgia Militia Districts 864, 932, 1355, 1498, 1031, 1135, 850, and 1341.

*Gwinnett County.* The entire county, except Georgia Militia Districts 405, 1578, 571, 408, 1295, and 478.

*Hart County.* That portion of the county lying within Georgia Militia Districts 1113, 1112, and 1117.

*Henry County.* That portion of the county lying within Georgia Militia Districts 883 and 775.

*Jackson County.* The entire county, except Georgia Militia Districts 242, 1747, 1704, and 253.

*Lumpkin County.* The entire county.

*Madison County.* That portion of the county lying within Georgia Militia Districts 262, 204, and 383.

*Newton County.* That portion of the county lying within Georgia Militia District 462.

*Oconee County.* That portion of the county lying within Georgia Militia District 240.

*Pickens County.* That portion of the county lying east of State Highway 5, including the city of Jasper; and all of Georgia Militia Districts 1129, 1492, 1039, and 1503.

*Rabun County.* The entire county.

*Richmond County.* That portion of the county lying within Georgia Militia Districts 120, 121, 123, 124, 600, 1269, and 1600, and that part of 119 lying north of Butler Creek.

*Union County.* The entire county.

*Walton County.* That portion of the

county lying within Georgia Militia Districts 250, 415, 421, 419, and 1633.

###### ILLINOIS

(1) *Generally infested area.*

*Cook County.* That portion of the city of Chicago and vicinity bounded by a line beginning at a point where First Avenue (State Highway 171) intersects with Cermak Road; thence east along Cermak Road to South Halsted Street; thence south on South Halsted Street to its intersection with West 31st Street; thence east along West 31st Street and East 31st Street to the point where an extension of 31st Street would intersect the Lake Michigan shoreline; thence southeastward along the Lake Michigan shoreline to its intersection with the Indiana State line; thence south along the Indiana State line to East 183d Street; thence west along East 183d Street and West 183d Street to its intersection with Cicero Avenue (State Highway 59); thence north along Cicero Avenue (State Highway 59) to its intersection with Tri-State Tollway (Interstate 294); thence in a northwesterly direction along Tri-State Tollway (Interstate 294) to its intersection with La Grange Road (Highway U.S. 45); thence northwest and north along La Grange Road (Highway U.S. 45) to its intersection with Joliet Road (Highway U.S. 68); thence northeast on Joliet Road (Highway U.S. 68) to its intersection with First Avenue (State Highway 171); thence north on First Avenue (State Highway 171) to the point of beginning.

*Edgar County.* Sec. 6 and that portion of sec. 7 west of Indiana boundary line T. 13 N., R. 11 W.; sec. 31, T. 14 N., R. 11 W.; secs. 1, 2, 3, 10, 11, and 12, T. 13 N., R. 12 W.; secs. 34, 35, and 36, T. 14 N., R. 12 W., including all of the city of Paris and secs. 11, 12, 13, and 14, T. 15 N., R. 11 W., including all of the town of Vermillion.

*Fayette County.* Secs. 7, 8, 9, 16, 17, 18, 19, 20, and 21, T. 6 N., R. 1 E., including all of the city of Vandalia.

*Iroquois County.* That portion of the county lying east of State Highway 49, and secs. 18, 19, 30, and 31, T. 27 N., R. 13 W.; and secs. 13, 14, 23, 24, 25, 26, 35, and 36, T. 27 N., R. 14 W.

*Tazewell County.* Secs. 26, 27, 23, 23, 30, 31, 32, 33, 34, and 35, T. 29 N., R. 4 W.; and secs. 3, 4, 5, and 6, T. 25 N., R. 4 W., including most of the city of East Peoria and the village of Creve Coeur.

*Vermilion County.* Secs. 6, 7, and 18, T. 23 N., R. 10 W.; secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, T. 23 N., R. 11 W.; and sec. 1, 3, 11, 12, 13, and 14, T. 23 N., R. 12 W., including the towns of Cheneyville and Hoopston.

*Will County.* Secs. 13 and 24, T. 34 N., R. 13 E.; and secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, T. 34 N., R. 14 E., including all of the town of Crete and the south part of Steger.

(2) *Suppressive area.*

*Rock Island County.* Beginning at a point where a northerly extension of Third Street intersects the Mississippi River, thence northeast along the Mississippi River to the East Moline City limits line; thence east and south along the East Moline City limits line to First Street Road; thence south along First Street Road to State Route 84; thence in a southerly direction along State Route 84 to Colona Road; thence west along Colona Road, 42d Avenue and 23d Avenue to its intersection with John F. Kennedy Drive; thence north along John F. Kennedy Drive to

its intersection with Third Street; thence north along Third Street and a northerly extension of Third Street to the point of beginning.

# INDIANA

## (1) Generally infested area.

*Clay County.* Secs. 5, 6, 7, and 8, T. 13 N., R. 6 W.; and secs. 1 and 12, T. 13 N., R. 7 W.

*Clinton County.* The entire county.

*Daviess County.* Secs. 2, 3, 4, 5, and 6, T. 1 N., R. 5 W.; secs. 5, 6, 26, 27, 31, 32, 33, 34, and 35, T. 2 N., R. 5 W.; secs. 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, T. 3 N., R. 5 W.; sec. 1, T. 2 N., R. 6 W.; secs. 25 and 36, T. 3 N., R. 6 W.; secs. 1, 2, 3, 4, 5, and 6, T. 2 N., R. 7 W.; secs. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 36, T. 3 N., R. 7 W.; and secs. 14, 15, 22, 23, 26, and 27, T. 4 N., R. 7 W.

*Dearborn County.* Secs. 4, 5, 8, 9, and 17, T. 4 N., R. 1 W.; and secs. 1, 2, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 27, 28, 29, 30, 31, and 32, T. 5 N., R. 1 W.

*Delaware County.* Secs. 2, 3, 10, 11, 14, and 15, T. 20 N., R. 10 E.

*Jackson County.* Secs. 1, 2, 11, 12, 13, 14, 23, and 24, T. 4 N., R. 2 E.; secs. 25, 26, 35, and 36, T. 5 N., R. 2 E.; secs. 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, and 20, T. 4 N., R. 3 E.; secs. 28, 29, 30, 31, 32, 33, and 34, T. 5 N., R. 3 E.; secs. 12, 13, and 24, T. 6 N., R. 5 E.; and secs. 7, 8, 9, 16, 17, 18, 19, 20, and 21, T. 6 N., R. 6 E.

*Jasper County.* The entire county.

*Jefferson County.* Secs. 1, 2, 11, 12, 13, 24, and 25, T. 3 N., R. 9 E.; secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, and 30, T. 2 N., R. 10 E.; secs. 2, 3, 4, 5, 6, 7, 8, 18, 19, 30, 31, and 32, T. 3 N., R. 10 E.; secs. 20, 21, 22, 27, 28, 29, 32, 33, 34, and 35, T. 4 N., R. 10 E.; sec. 2, T. 3 N., R. 11 E.; and secs. 26, 27, 34, and 35, T. 4 N., R. 11 E.

*Jennings County.* Secs. 3, 4, and 5, T. 6 N., R. 8 E.; and secs. 27, 28, 29, 32, 33, and 34, T. 7 N., R. 8 E.

*Lawrence County.* Secs. 4, 5, 6, 7, 8, and 9, T. 3 N., R. 1 W.; secs. 31, 32, and 33, T. 4 N., R. 1 W.; secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, T. 3 N., R. 2 W.; T. 4 N., R. 2 W.; secs. 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, T. 5 N., R. 2 W.; secs. 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 27, 28, and 29, T. 4 N., R. 2 E.; and secs. 33 and 34, T. 5 N., R. 2 E.

*Ohio County.* Secs. 1, 2, 3, 4, 9, 10, 11, 15, and 16, T. 3 N., R. 1 W.; and secs. 23, 25, 26, 35, and 36, T. 4 N., R. 1 W.

*Orange County.* Secs. 5, 6, 7, and 8, T. 1 N., R. 2 W.; secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, T. 2 N., R. 2 W.; and secs. 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 3 N., R. 2 W.

*Switzerland County.* Sec. 6, T. 1 N., R. 1 W.; secs. 27, 28, 29, 31, 32, 33, and 34, T. 2 N., R. 1 W.; secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 18, T. 1 N., R. 2 W.; and secs. 1, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 27, and 28, T. 2 N., R. 3 W.

*Washington County.* Secs. 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 4 N., R. 2 E.; and

secs. 17, 18, 19, 20, 29, and 30, T. 4 N., R. 3 E.

## (2) Suppressive area.

*Hendricks County.* Secs. 1, 2, 3, 10, 11, 12, 13, 14, and 15, T. 15 N., R. 1 E.

# KENTUCKY

## (1) Generally infested area.

*Bracken County.* The entire county.

*Fayette County.* The city of Lexington within the bounds of Circle Road Route 4.

*Lee County.* The entire county.

*McCreary County.* The entire county.

*Menifee County.* The entire county.

*Montgomery County.* The entire county.

# MICHIGAN

## (1) Generally infested area.

*Calhoun County.* The city of Battle Creek and the townships of Pennfield, Bedford, Battle Creek, and Emmett; in Leroy Township, secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 28, 29, 32, and 33; in Newton Township, secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 30; in Fredonia Township, secs. 6 and 7; in Marshall Township, secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33; in Covis Township, secs. 19, 30, 31, 32, 33, 34, and 35.

*Kalamazoo County.* Ross Township, secs. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36; in Charleston Township, secs. 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36; in Climax Township, secs. 1, 2, 3, 11, 12, 13, 14, 23, and 24; in Richland Township, sec. 36; and in Comstock Township, sec. 1

*Monroe County.* T. 8 S., R. 6 E.; secs. 1, 2, 3, 4, 5, and 6, T. 9 S., R. 6 E.; T. 8 S., R. 7 E.; secs. 1, 2, 3, 4, 5, and 6, T. 9 S., R. 7 E.; secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 8 S., R. 8 E.; and secs. 3, 4, 5, and 6, T. 9 S., R. 8 E.

## (2) Suppressive area.

*Macomb County.* That portion of the city of Warren bounded by a line beginning at a point where Fourteen Mile Road intersects with Dequindre Road; thence east along Fourteen Mile Road to its intersection with Hoover Road; thence south along Hoover Road to its intersection with Eleven Mile Road; thence west along Eleven Mile Road to its intersection with Ryan Road; thence north along Ryan Road to its intersection with Twelve Mile Road; thence west along Twelve Mile Road to its intersection with Dequindre Road; thence north along Dequindre Road to the point of beginning.

*Washtenaw County.* That portion of the city of Ypsilanti and vicinity bounded by a line beginning at a point where Clark Road intersects with Prospect Street; thence east along Clark Road to its intersection with Ridge Road; thence south along Ridge Road to its intersection with Michigan Avenue; thence southwest on Michigan Avenue to its intersection with Wliard Street; thence south on Wliard Street to its intersection with Willow Run Expressway; thence south on Willow Run Expressway to its intersection with Interstate 94; thence northwest and west along Interstate 94 to its intersection

with Prospect Street; thence north along Prospect Street to the point of beginning.

*Wayne County.* That portion of the city of Livonia bounded by a line beginning at a point where Lyndon Road intersects with Farmington Road; thence east along Lyndon Road to its intersection with Middlebelt Road; thence south along Middlebelt Road to its intersection with the C&O Railroad; thence west along the C&O Railroad to its intersection with Farmington Road; thence north along Farmington Road to the point of beginning.

# OHIO

## (1) Generally infested area.

*Clinton County.* The township of Marlon.

*Fairfield County.* The entire county.

*Fayette County.* The townships of Marlon and Union, and the city of Washington Court House.

*Franklin County.* The entire county.

*Fulton County.* The townships of Amboy, Fulton, Swan Creek, and York.

*Henry County.* The townships of Damascus, Freedom, Harrison, Liberty, Napoleon, and Washington, and the city of Napoleon.

*Lucas County.* The entire county.

*Ottawa County.* The entire county.

*Perry County.* The entire county.

*Pickaway County.* The entire county.

*Ross County.* The entire county.

*Sandusky County.* The townships of Madison, Rice, Riley, Sandusky, Scott, Townsend, Washington, and Woodville, and the cities of Bellevue and Fremont.

*Wood County.* The townships of Center, Freedom, Grand Rapids, Lake, Middleton, Montgomery, Perry, Perrysburg, Plain, Ross, Rossford, Troy, Washington, Webster, and Weston, and the cities of Bowling Green, Fostoria, and Perrysburg.

# SOUTH CAROLINA

*Calhoun County.* That area bounded by a line beginning at a point where the Calhoun-Lexington County line junctions with the Congaree River; thence southeast along said river to its junction with Big Beaver Creek; thence southwest along said creek to its junction with the Calhoun-Lexington County line; thence west, southwest, north, and northeast along said county line to the point of beginning.

*Chester County.* That portion of the county bounded by a line beginning at a point where the Broad River junctions with the Chester-York County line; thence extending east along said county line to its intersection with U.S. Highway 321; thence south along said highway to its junction with State Primary Highway 9; thence in a northwesterly direction along said highway to its intersection with Broad River; thence in a northerly direction along said river to the point of beginning, excluding the area within the corporate limits of the town of Lowrys.

*Darlington County.* That portion of the county lying within the corporate limits of the town of Society Hill.



York County. The entire county.

TENNESSEE

(1) Generally infested area.

**Carter County.** That portion of the county bounded by a line beginning at the point where the crest of Stone Mountain intersects the Unicoi-Carter County line; thence extending northeast to the Watauga River; thence southeast and east along the Watauga River and Watauga Lake to the Carter-Johnson County line; thence southeast along said line to the Carter-Avery County line; thence south and west along said county line to the Carter-Mitchell County line; thence westerly along said county line to the Carter-Unicoi County line; thence northwest along said county line to the point of beginning, including all of the town of Hampton.

**Claiborne County.** That portion of the county within the corporate limits of the city of Cumberland Gap.

**Cocke County.** All of the county except that portion of the county bounded on the east by Pigeon River and on the north by U.S. Highway 70, and excluding the unincorporated urban boundary of the city of Newport.

**Greene County.** That portion of the county within the Cherokee National Forest lying southwest of Tennessee Highway 70.

**Hawkins County.** That portion of the county lying within the incorporate city boundaries of Church Hill, Mount Carmel, and Bulls Gap.

**Jefferson County.** That portion of the county lying southeast of a line beginning at a point where Tennessee Highway 66 intersects the Hamblen County line; thence southwest along said highway to its intersection with U.S. Highway 70; thence west along said highway to its intersection with Tennessee Highway 92; thence southeast along said highway to Douglas Lake; thence southwest along said lake to its intersection with the Sevier County line.

**Monroe County.** That portion of the county bounded by a line beginning at a point where U.S. Highway 411 intersects the McMinn County line; thence northeast along said highway to its intersection with FAS 2415; thence easterly along said road to its intersection with the Cherokee National Forest boundary; thence southerly along said boundary to its intersection with Tennessee Highway 68; thence south along said highway to its intersection with the Polk County line; thence northwesterly along said county line to the McMinn County line; thence northerly along said county line to the point of beginning.

**Polk County.** That portion of the county lying north of the Hiwassee River and east of Tennessee Highway 68.

**Roane County.** That portion of the county bounded by a line beginning at the intersection of U.S. Highway 70 and Federal Aid Secondary Road 2555; thence easterly along U.S. Highway 70 to the Roane-Loudon County line; thence south along said line to its intersection with the Tennessee River; thence in a westerly direction along the north shoreline of said river to its intersection with Wolf Creek; thence north along said creek to its intersection with Federal Aid Secondary Road 2555; thence north along said road to the point of beginning.

That portion of the county lying southwest of Tennessee Highway 58 and southwest of Watts Bar Lake.

**Sevier County.** That portion of the county lying north of FAS 2419 known as Cosby Road and south of U.S. Highway 411; and that portion of the county within the Chero-

kee National Forest and the city of Gatlinburg.

**Unicoi County.** That portion of the county lying within the unincorporated urban boundaries of the city of Erwin.

(Secs. 8 and 9, 37 Stat. 313, sec. 100, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.48-2)

These amendments shall become effective upon publication in the FEDERAL REGISTER.

The Director of the Plant Protection Division has determined that infestations of the Japanese beetle exist or are likely to exist in the civil divisions and parts of civil divisions listed above, or that it is necessary to regulate such localities because of their proximity to infestations or their inseparability for quarantine enforcement purposes from infested localities. The Director has further determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the Japanese beetle. Therefore, such civil divisions and parts of civil divisions listed above are designated as Japanese beetle regulated areas.

This amendment adds to the regulated areas all or parts of the following previously nonregulated counties: Clarke, Douglas, Hart, Henry, Newton, Oconee, and Walton Counties in Georgia; Edgar, Fayette, Rock Island, Tazewell, Vermillion, and Will Counties in Illinois; Clay, Dearborn, Delaware, Hendricks, Jackson, Jennings, Ohio, and Washington Counties in Indiana; Bracken, Fayette, Lee, McCreary, and Montgomery Counties in Kentucky; Macomb, Washtenaw, and Wayne Counties in Michigan; Clinton, Fayette, Henry, Ottawa, and Pickaway Counties in Ohio; Calhoun, Chester, Darlington, and York Counties in South Carolina; and Claiborne, Cocke, Greene, Hawkins, Jefferson, Monroe, Polk, Sevier, and Unicoi Counties in Tennessee. It also extends the regulated area in some previously regulated counties. Two counties in Indiana—Jefferson and Switzerland—were changed from suppressive areas to generally infested areas. Horry County in South Carolina has been released from Federal regulation after 3 years of negative surveys.

This document imposes restrictions that are necessary in order to prevent the dissemination of the Japanese beetle and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public

interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 11th day of December 1970.

J. W. GENTRY,  
Acting Director,  
Plant Protection Division.

[F.R. Dec. 70-16383; Filed, Dec. 16, 1970; 8:51 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 217]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.517 Navel Orange Regulation 217.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are

identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 15, 1970.

(b) Order. (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 18, 1970, through December 24, 1970, are hereby fixed as follows:

- (i) District 1: 360,000 cartons;
- (ii) District 2: 50,000 cartons;
- (iii) District 3: 40,000 cartons;

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 15, 1970.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and  
Vegetable Division, Consumer  
and Marketing Service.

[F.R. Doc. 70-17108; Filed, Dec. 16, 1970;  
11:31 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

#### PART 78—BRUCELLOSIS

#### Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Estab- lishments

#### MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

#### § 78.13 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

*Alabama.* The entire State;  
*Alaska.* The entire State;  
*Arizona.* The entire State;  
*Arkansas.* The entire State;  
*California.* The entire State;  
*Colorado.* The entire State;  
*Connecticut.* The entire State;  
*Delaware.* The entire State;  
*Florida.* Alachua, Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hendry, Hernando, Highlands, Hillsborough, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Martin, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, St. Johns, St. Lucie, Santa Rosa, Sarasota, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;

*Georgia.* The entire State;  
*Hawaii.* The entire State;  
*Idaho.* The entire State;  
*Illinois.* The entire State;  
*Indiana.* The entire State;  
*Iowa.* The entire State;  
*Kansas.* The entire State;  
*Kentucky.* The entire State;  
*Louisiana.* Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Blenville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, De Soto, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn Parishes;

*Maine.* The entire State;  
*Maryland.* The entire State;  
*Massachusetts.* The entire State;  
*Michigan.* The entire State;  
*Minnesota.* The entire State;  
*Mississippi.* The entire State;  
*Missouri.* The entire State;  
*Montana.* The entire State;  
*Nebraska.* The entire State;  
*Nevada.* The entire State;  
*New Hampshire.* The entire State;  
*New Jersey.* The entire State;  
*New Mexico.* The entire State;  
*New York.* The entire State;  
*North Carolina.* The entire State;  
*North Dakota.* The entire State;  
*Ohio.* The entire State;  
*Oklahoma.* The entire State;  
*Oregon.* The entire State;  
*Pennsylvania.* The entire State;  
*Rhode Island.* The entire State;  
*South Carolina.* The entire State;  
*South Dakota.* Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codrington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Mar-

shall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;

*Tennessee.* The entire State;

*Texas.* Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Denton, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edward, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Goliad, Gray, Grayson, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hooker, Hood, Houston, Howard, Hudspeth, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Neacogoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Ward, Washington, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;

*Utah.* The entire State;  
*Vermont.* The entire State;  
*Virginia.* The entire State;  
*Washington.* The entire State;  
*West Virginia.* The entire State;  
*Wisconsin.* The entire State;  
*Wyoming.* The entire State;  
*Puerto Rico.* The entire area;  
*Virgin Islands of the United States.* The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 3, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 20 F.R. 16210, as amended, 9 CFR 78.10)

**Effective date.** The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional area to the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such area comes within the definition of § 78.1(d): Hillsborough County, Fla.

Choctaw County in Oklahoma was deleted from the list of areas designated as Modified Certified Brucellosis Areas



on June 30, 1970, because it was determined that such County no longer came within the definition of § 78.1(i); the amendment restores Choctaw County to such list because it has been determined to come within the definition of § 78.1(i), thereby restoring the entire State of Oklahoma to the Modified Certified Brucellosis Areas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedures provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of December 1970.

R. E. OMOHUNDRO,  
Acting Director, Animal Health  
Division, Agricultural Re-  
search Service.

[F.R. Doc. 70-16987; Filed, Dec. 16, 1970;  
8:51 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-WA-38]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Terminal Control Area in Atlanta, Ga.

On October 17, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 16321) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Atlanta, Ga., terminal control area by eliminating the VFR corridor; lowering the floor in an area south of the Atlanta Airport and a small area southeast of the Fulton County Airport; and raising the floor in an area north of the Atlanta Airport.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Nine comments were received in response to this proposal. The National Business Aircraft Association, Inc., and the Air Transport Association concurred in the proposal, and the Air-

craft Owners and Pilots Association concurred but suggested that Area "D" be eliminated from the proposed airspace configuration. Area "D" extends from 6,000 feet MSL to 8,000 feet MSL and is used extensively for IFR arrival and departure routes. The normal airport operations at Fulton County, De Kalb-Peachtree, and Stone Mountain Airports should not be adversely affected by these altitudes.

Other commentors stated that the elimination of the VFR corridor would be more restrictive to VFR aircraft; however, as stated in the notice, a 90-day survey indicated that very few aircraft actually used the VFR corridor. Actual counts during 8-hour periods indicated that only three to six aircraft used the corridor. The remainder of the comments were directed to the merits of the TCA concept versus the corridor concept. Since this controversy was discussed at great length in the original designation of the Atlanta TCA and related meetings, further discussion appears unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 4, 1971, as hereinafter set forth.

Section 71.401(a) (35 F.R. 7784, 12836) is amended by changing the Atlanta, Ga., Terminal Control Area to read as follows:

##### ATLANTA, GA., TERMINAL CONTROL AREA PRIMARY AIRPORT

Atlanta Airport (lat. 33°38'42" N, long. 84°25'37" W.)

##### BOUNDARIES

###### Area A

That airspace extending upward from the surface to 8,000 feet MSL within a 7-mile radius of the Atlanta Airport including that area within lines drawn 2 statute miles each side of the 268° radial of the Rex VOR extending from the 7-mile-radius circle to the Rex VOR, excluding the Fulton County control zone and excluding the airspace north of a line 4 miles north of and parallel to the extended centerline of Runways 9L/27R.

###### Area B

That airspace extending upward from 2,500 feet MSL to 8,000 feet MSL within a 12-mile radius of the Atlanta Airport, excluding area A, the Fulton County control zone, and the airspace north of a line 4 miles north of and parallel to the extended centerline of Runways 9L/27R.

###### Area C

That airspace extending upward from 3,500 feet MSL to 8,000 feet MSL within a 20-mile radius of the Atlanta Airport, excluding area A, area B, and the airspace north of a line 1 mile south of and parallel to the 271° and 091° radials of the Fulton County VOR.

###### Area D

That airspace extending upward from 6,000 feet MSL to 8,000 feet MSL north of the Atlanta Airport bounded on the east by a 20-mile-radius arc from the Atlanta Airport, on the south by a line 1 mile south of and parallel to the 271° and 091° radials of Fulton County VOR, on the west by a 20-mile-radius arc from the Atlanta Airport, and on the north by the southern boundary of the area described as the Dobbins AFB control zone and the 260° radial of Norcross VOR east of the Dobbins AFB control zone.

(Secs. 307(a), 313, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1354(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 14, 1970.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 70-16983; Filed, Dec. 16, 1970;  
8:51 a.m.]

[Airspace Docket No. 70-SO-51]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Control Zone

On October 9, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 15937) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Roosevelt Roads, P.R., control zone.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, a revision has been made to the instrument approach procedure based upon the Roosevelt Roads TACAN 234° radial. This revised procedure obviates the requirement for the control zone extension based upon the TACAN 234° radial. In addition, it has been determined to retain the control zone extension based upon the Roosevelt Roads radio beacon 052° bearing in lieu of the 054° bearing as proposed. Accordingly, action is taken herein to effect these revisions.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 4, 1971, as hereinafter set forth.

In § 71.171 (35 F.R. 2054) "Roosevelt Roads, Puerto Rico" is amended to read:

##### ROOSEVELT ROADS, P.R.

Within a 5-mile radius of NS Roosevelt Roads (lat. 18°15'05" N, long. 65°38'35" W.); within 3 miles each side of the 052° bearing from Roosevelt Roads RBN, extending from the 5-mile-radius zone to 8.5 miles northeast of the RBN.

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 14, 1970.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 70-16984; Filed, Dec. 16, 1970;  
8:51 a.m.]

[Airspace Docket No. 70-AL-9]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **PART 73—SPECIAL USE AIRSPACE**

### **Designation of Restricted Area and Alteration of Restricted Area and Continental Control Area**

On October 9, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 15938) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a joint-use restricted area at Eielson AFB, Alaska, and renumber the Yukon, Alaska, restricted area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Only one comment was received. The Aircraft Owners and Pilots Association objected to the large size of the proposed restricted area and stated it would block off a major piece of geography for a large part of the year. They also stated that this action would place a burden on the pilot to determine the status of the restricted area. This restricted area overlies a remote area where aviation activities are very low. The area is designated as a part-time joint-use area so that it will be available to the public at all times when not actually in use by the using agency. It is incumbent upon the pilot to determine the status of this area or any other joint-use restricted area. This can be determined by contacting any air traffic control facility in the Fairbanks area.

It has been determined that proposed annual period of designation (December 12 to March 15) can be reduced to January 7 to March 15.

The first period of designation during which live missile firings could occur begins January 7, 1971, which is also the date on which new low altitude en route charts become effective. Since a situation exists where safety requires early adoption of this amendment, good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective January 7, 1971, as hereinafter set forth.

1. In § 71.151 (35 F.R. 2043) the Continental Control Area is amended by deleting "R-2205 Yukon, Alaska" and substituting therefor "R-2205A Yukon, Alaska" and "R-2205B Asa P. Gray Missile Range, Alaska".

2. In § 73.22 (35 F.R. 2313) the Yukon, Alaska, Restricted Area R-2205 is amended by changing the number to read "R-2205A" and the Asa P. Gray Missile Range, Alaska, Restricted Area R-2205B is added as follows:

R-2205B ASA P. GRAY MISSILE RANGE, ALASKA

Boundaries: Beginning at latitude 65°22' 35" N., longitude 143°31'54" W., to latitude 64°56'10" N., longitude 143°13'42" W., to

latitude 64°36'50" N., longitude 146°11'15" W., to latitude 64°35'18" N., longitude 146°11'15" W., to latitude 64°33'24" N., longitude 146°18'30" W., to latitude 64°33'25" N., longitude 146°25'00" W., to latitude 64°33'25" N., longitude 146°38'00" W., to latitude 64°36'45" N., longitude 146°50'00" W., thence clockwise via the arc of 4-nautical-mile radius circle centered on: latitude 64°39'54" N., longitude 146°44'07" W., to latitude 64°43'02" N., longitude 146°50'00" W., thence to latitude 64°46'53" N., longitude 146°50'00" W., to latitude 64°55'36" N., longitude 145°48'00" W., thence to point of beginning.

Designated altitudes: Surface to unlimited.  
Time of designation: January 7 to March 15 annually. Activation of area for actual firing periods by Notice to Airmen.

Controlling agency: Federal Aviation Administration, Fairbanks ARTC Center.

Using agency: Commanding General U.S. Army Alaska, Fort Richardson, Alaska.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 14, 1970.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 70-16985; Filed, Dec. 16, 1970; 8:51 a.m.]

## **Title 18—CONSERVATION OF POWER AND WATER RESOURCES**

### **Chapter II—Tennessee Valley Authority**

#### **PART 301—PROCEDURES**

##### **Obtaining of Approval for Construction in Tennessee River System and Regulation of Structures**

The requirements of section 102 of the National Environmental Policy Act (Sec. 102, Public Law 91-190, 83 Stat. 852) and section 21(b) of the Federal Water Pollution Control Act, as amended (Sec. 103, Public Law 91-224, 84 Stat. 107), necessitate certain revisions in the procedures for obtaining approval for the construction, operation, and maintenance of structures in the Tennessee River system under section 26a of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. section 831y-1). In addition, the Board of Directors of the Tennessee Valley Authority has approved certain regulations respecting commercial boat docks on TVA reservoirs and the maintenance of structures on and in such reservoirs. In order to incorporate the requirements of the National Environmental Policy Act and the Federal Water Pollution Control Act in TVA's published procedures and to give notice of the new regulations, § 301.2 is amended by revising paragraphs (b), (e), and (f) (1) thereof, and a new § 301.3 is added, as follows:

§ 301.2 Obtaining of approval for the construction, operation, and maintenance of structures in the Tennessee River System.

(b) *Contents of request.* The request shall be accompanied by four complete sets of detailed plans for the construction, operation, and maintenance of the structure desired to be built, which shall include: (1) Accurate maps showing the exact location where the structure is sought to be built, (2) detailed plans, in scale, of the structure sought to be built, (3) detailed statements of the plans formulated for the maintenance and operation of the structure when built, (4) sufficient information to describe adequately all of the persons, corporations, organizations, agencies, or others who propose to build such structure, and (5) a report of the anticipated environmental consequences resulting from the erection of the proposed structure. This report of anticipated environmental consequences shall include a discussion of: (i) The probable impact of the proposed structure on the environment; (ii) any probable adverse environmental consequences which cannot be avoided; (iii) alternatives to the proposed structure; (iv) the relationship between the local short-term uses of the environment and the maintenance of long-term productivity which will result from the proposed structure; and (v) any irreversible or irretrievable commitments of resources which would be involved by virtue of the proposed structure. If construction or operation of the proposed structure or any part thereof, or the conduct of the activity in connection with which approval is sought, may result in any discharge into navigable waters of the United States, applicant shall also submit with the request a certification from the State in which such discharge would originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge would originate, or from the Environmental Protection Agency, that such State or agency or the Environmental Protection Agency has determined after public notice of applicant's proposal that there is reasonable assurance that applicant's proposed activity will be conducted in a manner which will not violate applicable water quality standards. If construction or operation of the proposed structure will affect water quality but is not subject to any applicable water quality standards, applicant shall submit a written statement to that effect by such State, agency, or the Environmental Protection Agency. The applicant shall further submit such supplemental and additional information as TVA may deem necessary for the review of the application.

(e) *Determination of request.* (1) Subject to the necessity for Board approval of structures coming within the terms of section 26a, administration of the handling of applications has been delegated to TVA's Division of Reservoir Properties. This division conducts preliminary investigations; coordinates the processing of applications within TVA; notifies the applicant if preparation and review of an environmental statement

are required under the National Environmental Policy Act, and of what additional information must be submitted to TVA by applicant so that TVA may comply with the requirements of that Act and related legal requirements, and complete its review of the application; and arranges for notification to the Environmental Protection Agency of applications that request approval of plans for structures which may result in a discharge into navigable waters of the United States and are certified in accordance with the requirements of paragraph (b) of this section. TVA conducts hearings (i) when requested by the applicant, (ii) when it deems that a hearing is necessary or appropriate in determining the issues presented by the application, (iii) when required on the objection of another State under the provisions of section 21(b)(2) of the Federal Water Pollution Control Act, as amended, or (iv) when required to determine the necessity for suspending, under section 21(b)(4) of said Act, as amended, a previously granted, approval. Upon completion of the investigation, coordination of the review of water quality aspects of the application under the Federal Water Pollution Control Act, as amended, completion of review under the National Environmental Policy Act, if required, and hearing or hearings, if any, the Director of the Division of Reservoir Properties makes a report to the Board and recommends approval or disapproval of the application. The Board then makes a final determination based upon the application and supporting papers, the report of investigation, the transcript of the hearing or hearings, if any be held, the recommendation of the Director, and the applicable provisions of the TVA Act, the Federal Water Pollution Control Act, and the National Environmental Policy Act.

(2) If an approval is granted under section 26a of the structure or facility with respect to which a certificate of compliance with applicable water quality standards has been obtained pursuant to section 21(b)(1) of the Federal Water Pollution Control Act, as amended, and no additional Federal permit or license is required for operation of such structure or facility, the holder of the TVA approval shall, prior to initial operation of the approved structure or facility, provide an opportunity for the certifying State or, if appropriate, the interstate agency or the Environmental Protection Agency to review the manner in which the structure or facility will be operated or conducted, for the purpose of assuring that applicable water quality standards will not be violated.

(f) *Hearings.* If a hearing is to be held for any of the reasons described in paragraph (e) of this section, TVA gives notice of the hearing to all known interested parties. The notice indicates the place and time of hearing, so far as feasible indicates the particular issues to which the hearing will pertain, and provides other relevant information.

**§ 301.3 Designation of harbor areas at commercial boat docks; regulation of houseboats and bathhouses; numbering of floating bathhouses and houseboats; treatment of sewage from watercraft and from fixed and floating structures; removal of unauthorized or unsafe structures.**

In the interest of safe and unobstructed navigation on TVA reservoirs and the protection of lands and land rights of the United States in and adjacent to said reservoirs in TVA's custody, the Board of Directors of TVA has established the following rules and regulations concerning the designation of harbor areas at commercial boat docks, the mooring and use of houseboats and boat-houses on the Tennessee River system, and the treatment of sewage from watercraft and from fixed land floating structures:

(a) *Designation of harbor areas at commercial boat docks.* The landward limits of harbor areas are determined by the extent of land rights held by the dock operator. The lakeward limits of harbors at commercial boat docks will be designated by TVA. Mooring buoys or slips and indefinite anchoring are prohibited beyond such lakeward limits, except as hereinafter provided.

(b) *Houseboats.* (1) Mooring of houseboats not fully navigable in the judgment of TVA's Director of Reservoir Properties to buoys or in slips in the designated harbors of commercial boat docks is prohibited.

(2) Existing houseboats not fully navigable as defined in subparagraph (1) of this paragraph may be moored side by side to the bank of the reservoir within the designated harbor limits of commercial boat docks if they are so moored within 1 year from the effective date of the regulations in this part. Ordinary maintenance and repair of such houseboats may be continued, including replacement of metal drums as required by § 301.2(i), but such houseboats may not be replaced when they are abandoned, destroyed, removed from the reservoir, or have deteriorated so as to be unusable and unrepairable. Such houseboats may be moored outside designated harbor limits of commercial boat docks only at locations where the houseboat owner is the owner or lessee of the abutting property or the licensee of such owner or lessee, and where TVA has determined that such mooring will not interfere with navigation and has issued a written approval or permit establishing the conditions for such mooring.

(3) No new houseboat not fully navigable as defined in subparagraph (1) of this paragraph shall be moored in any TVA reservoir after the effective date of the regulations in this part.

(c) *Floating bathhouses.* (1) Existing floating bathhouses may be moored side by side to the bank of the reservoir within the designated harbor limits of commercial boat docks if they are so moored within one year from the effective date of the regulations in this part. Ordinary repair and maintenance of

such bathhouses may be continued, including replacement of metal drums as required by § 301.2(i), but they may not be replaced when they are abandoned, destroyed, removed from the reservoir, or have deteriorated so as to be unusable and unrepairable, except in accordance with new plans approved by TVA under paragraph (d) of this section. Existing floating bathhouses may be moored outside designated harbor limits of commercial boat docks only at locations where the bathhouse owner is the owner or lessee of the abutting property or the licensee of such owner or lessee and where TVA has determined that such mooring will not interfere with navigation and has issued a written approval or permit establishing the conditions for such mooring.

(2) New floating bathhouses complying with § 301.2(i) and paragraph (d) of this section may be moored in TVA reservoirs after submittal and approval of plans and assignment of a number under paragraph (d) of this section subject to the same restrictions with respect to mooring locations as are prescribed for existing floating bathhouses in subparagraph (1) of this paragraph.

(d) *Numbering of houseboats and floating bathhouses; bathhouse facilities.* Owners of houseboats and floating bathhouses permitted under the conditions of paragraphs (b)(2) and (c)(1) of this section and not subject to the numbering requirements of either the Federal Boating Act of 1958 or a state boating statute adopted in accordance with the Federal Boating Act of 1958 shall, not later than 6 months from the effective date of these regulations, submit to TVA plans showing in reasonable detail the size, shape, and location of such structures in accordance with the provisions of § 301.2 for review under section 26a of the Tennessee Valley Authority Act. Plans for new floating bathhouses permitted under paragraph (c)(2) of this section must be submitted and approved prior to construction. In the interest of conserving space for navigation on the reservoirs and facilitating their operation in the interest of flood control, the inclusion of enclosed living quarters, toilets, or enclosed lockers with more than 25 square feet of floor space in new bathhouses, whether floating or fixed, is prohibited. Floating houseboats and bathhouses approved or found unobjectionable under this paragraph (d) will be assigned a number by TVA, which number the owner shall paint on or attach to a readily visible part of the structure in figures not less than 3 inches high. Approvals or permits for the mooring, use, and maintenance of such houseboats or floating bathhouses on TVA reservoirs shall not be transferable without the written consent of TVA.

(e) *Treatment of sewage from watercraft and floating and fixed structures.* No person operating a commercial boat dock on or over land of the United States in the custody and control of TVA or subject to provisions for the control of water pollution in a deed, grant of easement, lease, license or other instrument

from or to the United States shall permit the mooring on or over such land of any watercraft or floating structure equipped with a marine toilet unless such toilet is equipped with a treatment device approved by the State in which the watercraft or floating structure is registered or regularly moored, or, in the absence of applicable State regulations, by TVA, nor shall any such watercraft or floating structure be moored on or over any such land not within the TVA-designated harbor limits of a commercial boat dock without a similarly approved treatment device. However, such State or TVA approval shall be sufficient only until the effective date of the standards and regulations on marine sanitation devices to be promulgated by the Secretary of the Interior under section 13 of the Federal Water Pollution Control Act, as amended, compliance with which will thereafter be required.

(f) *Removal of unauthorized or unsafe structures.* If, at any time, any dock, wharf, boathouse, houseboat, or other floating structure anchored, installed, or moored under a license, permit, or approval from TVA is not constructed in accordance with plans approved by TVA or is not kept in a good state of repair and in good, safe, and substantial condition, and the owner fails to repair or remove such structure within 90 days after written notice from TVA to do so, TVA may cancel such license, permit, or approval and remove or cause to be removed such structure from TVA waters and lands. TVA will remove or cause to be removed any such structure anchored or moored without such license, permit, or approval. (Sec. 26a, 49 Stat. 1070; 16 U.S.C. sec. 831y-1)

*Effective date.* This amendment shall become effective upon publication. These regulations supersede all prior regulations of the use of houseboats on TVA reservoirs informally promulgated by TVA.

Dated: December 10, 1970.

TENNESSEE VALLEY AUTHORITY,  
[SEAL] LYNN SEEGER,  
General Manager.

[F.R. Doc. 70-16955; Filed, Dec. 16, 1970;  
8:49 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### SUBCHAPTER A—GENERAL

#### PART 9—COLOR CERTIFICATION

##### Deletion of Obsolete Material

Part 9 is amended below to delete certain obsolete sections. The subject color additives failed to meet the statutory requirements for provisional listing under Title II of the Color Additive Amendments of 1960. When the closing dates for the provisional listing of these additives expired, there was no evidence

that scientific studies were underway for obtaining their permanent listing.

Therefore, pursuant to provisions of title II of the Color Additive Amendments of 1960 (Public Law 86-618, 74 Stat. 404-07; 21 U.S.C. 376, note) and the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 9 is amended by deleting the following sections:

Sec.  
9.21 FD&C Green No. 1.  
9.22 FD&C Green No. 2.  
9.150 D&C Red No. 5.  
9.163 D&C Red No. 18.  
9.169 D&C Red No. 24.  
9.180 D&C Red No. 35.  
9.183 D&C Red No. 38.  
9.200 D&C Orange No. 3.  
9.205 D&C Orange No. 8.  
9.211 D&C Orange No. 14.  
9.212 D&C Orange No. 15.  
9.213 D&C Orange No. 16.  
9.230 D&C Brown No. 1.  
9.243 D&C Blue No. 7.  
9.260 D&C Black No. 1.  
9.303 Ext D&C Yellow No. 3.  
9.305 Ext D&C Yellow No. 5.  
9.306 Ext D&C Yellow No. 6.  
9.340 Ext D&C Red No. 1.  
9.341 Ext D&C Red No. 2.  
9.342 Ext D&C Red No. 3.  
9.347 Ext D&C Red No. 8.  
9.349 Ext D&C Red No. 10.  
9.350 Ext D&C Red No. 11.  
9.352 Ext D&C Red No. 13.  
9.353 Ext D&C Red No. 14.  
9.354 Ext D&C Red No. 15.  
9.370 Ext D&C Blue No. 1.  
9.373 Ext D&C Blue No. 4.  
9.411 Ext D&C Violet No. 2.  
9.420 Ext D&C Orange No. 1.  
9.422 Ext D&C Orange No. 3.  
9.423 Ext D&C Orange No. 4.

Notice and public procedure and delayed effective date are not prerequisites to the promulgation of this order deleting obsolete material.

*Effective date.* This order is effective upon publication in the FEDERAL REGISTER.

Dated: December 7, 1970.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 70-16950; Filed, Dec. 16, 1970;  
8:48 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4968]

[Wyoming 12669]

#### WYOMING

##### Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented,

43 U.S.C. section 416 (1964), it is ordered as follows:

1. The Departmental Order of February 28, 1952, withdrawing lands for reclamation purposes in connection with the La Barge Project, is hereby revoked so far as it affects the following described lands:

#### SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 110 W.,  
Sec. 5, lots 1, 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 30 N., R. 110 W.,  
Sec. 31, lots 2, 3, 4, 5, 8, 9, 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 32, E $\frac{1}{2}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 29 N., R. 111 W.,  
Sec. 1, lots 1, 2, 3;  
Sec. 3, lot 5;  
Sec. 4, lot 5;  
Sec. 20, NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 21, lots 2, 4, 5;  
Sec. 29, W $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 32, W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 30 N., R. 111 W.,  
Sec. 33, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 35, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .  
T. 26 N., R. 112 W.,  
Sec. 6, lots 3, 4, 5, 9, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 7, lot 5;  
Sec. 18, lots 1, 2, 3.  
T. 27 N., R. 112 W.,  
Sec. 4, lots 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 5, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 7, E $\frac{1}{2}$ ;  
Sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 17, W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$   
SE $\frac{1}{4}$ ;  
Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ ;  
Sec. 19, lots 1 to 4, inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ ;  
Sec. 20, lot 6, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 29, lots 4 and 5;  
Sec. 30, lots 1 to 6, inclusive, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 31, lots 3, 4, 9, 10, 11, E $\frac{1}{2}$ W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ .  
T. 28 N., R. 112 W.,  
Sec. 1, lots 1 to 13, inclusive, 17 and 18,  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 2, S $\frac{1}{2}$ ;  
Sec. 11, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 12, lots 4 and 5, W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 13, lots 4, 10, 11;  
Sec. 14, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 22, E $\frac{1}{2}$ ;  
Sec. 23, lots 1, 2, 3, 8, NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 27;  
Sec. 28, SE $\frac{1}{4}$ ;  
Sec. 32, SE $\frac{1}{4}$ ;  
Sec. 33.  
T. 26 N., R. 113 W.,  
Sec. 2, lots 1, 2, 9, 13, 14, W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 11, lots 1, 2, 3, 4, W $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 14, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 23, W $\frac{1}{2}$ E $\frac{1}{2}$ .  
T. 27 N., R. 113 W.,  
Sec. 13, SE $\frac{1}{4}$ ;  
Sec. 24, E $\frac{1}{2}$ ;  
Sec. 25, E $\frac{1}{2}$ .

The areas described aggregate approximately 13,165.20 acres in Lincoln and Sublette Counties.

Of the lands described above the following are nonpublic:

T. 26 N., R. 112 W.,  
Sec. 18, lots 1, 2, 3.  
T. 26 N., R. 113 W.,  
Sec. 23, W $\frac{1}{2}$ E $\frac{1}{2}$ .

Containing 216.52 acres.

The public lands are located along the Green River. Vegetation is primarily sagebrush and grassland associations and the lands vary from gently rolling to rough in character.

2. At 10 a.m. on January 16, 1971, the public lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, classifications, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 16, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m. on January 16, 1971. They have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,  
*Assistant Secretary of the Interior.*

DECEMBER 11, 1970.

[F.R. Doc. 70-16907; Filed, Dec. 16, 1970;  
8:46 a.m.]

[Public Land Order 4969]

[Sacramento 2488]

# CALIFORNIA

## Powersite Cancellation No. 303, Partial Cancellation of Powersite Classification No. 179 and Power Project 2126

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. section 818 (1964), and pursuant to the determination of the Federal Power Commission in DA-1096-California, it is ordered as follows:

1. The departmental order of May 13, 1927, creating Powersite Classification No. 179, is hereby canceled so far as it affects the following described lands:

PLUMAS NATIONAL FOREST  
MOUNT DIABLO MERIDIAN

T. 25 N., R. 9 E.,

Sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
W $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 26, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 27, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate approximately 300 acres in Plumas County.

2. In DA-1096-California, dated October 16, 1970, the Federal Power Commission vacated the withdrawal created pursuant to the filing on February 24, 1953, for application for preliminary permit for Power Project No. 2126 to the extent that the lands described in paragraph 1 hereof are withdrawn therein. Some of the lands are withdrawn in Power Project No. 1258, pursuant to the filing of an application for preliminary permit to which the Commission's General Determination of April 17, 1922, is applicable.

3. Some of the lands are withdrawn for national forest roadside zones by Public

Land Order No. 2971 of March 18, 1963. At 10 a.m. on January 16, 1971, the lands described in paragraph 1 hereof, not otherwise withdrawn or appropriated, shall be opened to such disposition as may by law be made of national forest lands.

The lands not otherwise reserved or withdrawn have been and continue to be open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, Calif.

HARRISON LOESCH,  
*Assistant Secretary of the Interior.*

DECEMBER 11, 1970.

[F.R. Doc. 70-16908; Filed, Dec. 16, 1970;  
8:46 a.m.]

[Public Land Order 4970]

[New Mexico 10370]

# NEW MEXICO

## Correction of Public Land Order No. 4871

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 4871 of August 3, 1970, withdrawing lands for a national forest recreation area, appearing in 35 F.R. 12655 of the issue of August 8, 1970, so far as it describes the lands in sec. 32, is corrected to read "W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ " instead of W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and to add the words "Hopewell Lake Campground" just above T. 29 N., R. 7 E.

2. The lands are national forest lands within the Carson National Forest. At 10 a.m. on January 16, 1971, the W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  shall be open to such forms of disposition as may be made of such lands.

HARRISON LOESCH,  
*Assistant Secretary of the Interior.*

DECEMBER 11, 1970.

[F.R. Doc. 70-16909; Filed, Dec. 16, 1970;  
8:46 a.m.]

[Public Land Order 4971]

[Montana 15830]

# MONTANA

## Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture.

## BEAVERHEAD NATIONAL FOREST

PRINCIPAL MERIDIAN

Kitty Creek Campground

T. 9 S., R. 15 W.,

Sec. 3, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 10, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described aggregates 117.50 acres in Beaverhead County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,  
*Assistant Secretary of the Interior.*

DECEMBER 11, 1970.

[F.R. Doc. 70-16971; Filed, Dec. 16, 1970;  
8:50 a.m.]

[Public Land Order 4972]

[Anchorage 2418]

# ALASKA

## Revocation of Public Land Order No. 831 of May 16, 1952

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 831 of May 16, 1952, withdrawing the following described lands for use of the Bureau of Land Management, Department of the Interior, as an administrative site, is hereby revoked:

SEWARD MERIDIAN

T. 6 S., R. 14 W.,

Sec. 16, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
Containing 20 acres.

2. The land has been determined to be "property" within the meaning of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, 40 U.S.C. § 471 (1964), and it has been disposed of under the provisions of that act, subject to a reservation of all minerals to the United States.

HARRISON LOESCH,  
*Assistant Secretary of the Interior.*

DECEMBER 11, 1970.

[F.R. Doc. 70-16910; Filed, Dec. 16, 1970;  
8:46 a.m.]

[Public Land Order 4973]

[Colorado 1691]

# COLORADO

## Withdrawal for Browns Park National Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:



1. Subject to valid existing rights, and the provisions of existing withdrawals, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved as a noninviolable refuge as part of the Browns Park National Wildlife Refuge:

## SIXTH PRINCIPAL MERIDIAN

- T. 9 N., R. 102 W.,  
 Sec. 5, lots 6, 8, 22, 23, 28, 42, 43, and 44;  
 Sec. 6, lots 8, 9, 10, 11, 22, 27, 29, 30, SE $\frac{1}{4}$  NW $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
 Sec. 7, lot 10, NW $\frac{1}{4}$  NE $\frac{1}{4}$ , S $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 8, lots 1, 2, 3, 4, 11, 12, 16, 17, 20, 22, SE $\frac{1}{4}$  NE $\frac{1}{4}$ , S $\frac{1}{2}$  S $\frac{1}{2}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ .  
 T. 10 N., R. 102 W.,  
 Sec. 19, lots 7, 14, 22, 23, 25, N $\frac{1}{2}$  SE $\frac{1}{4}$ ;  
 Sec. 30, lots 9, 25, 27, 28, 40, 42, NE $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
 Sec. 31, lots 9, 43, 45;  
 Sec. 32, lots 5, 11, 13, 15, 18, 20, 22, 28, 30, 31, SE $\frac{1}{4}$  SE $\frac{1}{4}$ .  
 T. 10 N., R. 103 W.,  
 Sec. 6, lots 10, 11, 12, 13, 14, 18, 25, 28;  
 Sec. 7, lots 6, 7, 8, 9, 14, 15, S $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 8, lots 1, 4, 5, 7, 10, SW $\frac{1}{4}$  NE $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
 Sec. 9, lots 1, 4, 6, 8, 14, 17, 19, SE $\frac{1}{4}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$  SE $\frac{1}{4}$ ;  
 Sec. 14, lots 1 and 3;  
 Sec. 15, lots 1, 3, 7, 9, 11, 13, 22, 24, 27, N $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ ;  
 Sec. 16, lots 1, 3, 5, 7, 14, 15, and W $\frac{1}{2}$  W $\frac{1}{2}$ ;  
 Sec. 17, lots 1, 4, 5, 7, 9, 12, SE $\frac{1}{4}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$  NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
 Sec. 18, lots 5, 6, 7, E $\frac{1}{2}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ ;  
 Sec. 21, lots 3, 5, 8, SW $\frac{1}{4}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$ ;  
 Sec. 22, lots 5, 7, 13, 28, 30, 31, 34, 36, SW $\frac{1}{4}$  SW $\frac{1}{4}$ ;  
 Sec. 23, lots 1, 9, 10, 12, 14;  
 Sec. 24, lots 1, 4, 6, 9;  
 Sec. 25, lots 25 and 26;  
 Sec. 26, lots 10, 11, 14, 17, 19, 22, N $\frac{1}{2}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
 Sec. 27, lot 2, NW $\frac{1}{4}$  NE $\frac{1}{4}$ , S $\frac{1}{2}$  NE $\frac{1}{4}$ .  
 T. 11 N., R. 103 W.,  
 Sec. 30, lot 8;  
 Sec. 31, lots 5, 6, 12, 16, NE $\frac{1}{4}$  NW $\frac{1}{4}$ .  
 T. 10 N., R. 104 W.,  
 Sec. 1, lots 5, 13, 20, 21, 22, 23, 24, 26, 28, 31;  
 Sec. 12, lots 1, 2, 4, 8, 10, 12, 15, 22, 23, 28, 29, 31, 34, NE $\frac{1}{4}$  NW $\frac{1}{4}$ ;  
 Sec. 13, lots 1, 2, 5, 12, 16, 18, 20.  
 T. 11 N., R. 104 W.,  
 Sec. 25, lot 28;  
 Sec. 36, lots 16, 19, 26.

The areas described aggregate 6,794.30 acres in Moffat County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, provided that such use of disposal will not be inconsistent with purposes for which the lands are withdrawn.

HARRISON LOESCH,  
*Assistant Secretary of the Interior.*

DECEMBER 11, 1970.

[F.R. Doc. 70-16911; Filed, Dec. 16, 1970;  
 8:46 a.m.]

[Public Land Order 4974]

[Oregon 5246]

## OREGON

## Powersite Restoration No. 693; Partial Revocation of Powersite Reserve No. 662

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. section 818 (1964), and pursuant to the determination of the Federal Power Commission in DA-524-Oregon, it is ordered as follows:

1. Executive Order of December 12, 1917, creating Powersite Reserve No. 662, is hereby revoked so far as it affects the following described lands:

## WILLAMETTE MERIDIAN

T. 10 S., R. 7 W.,  
 Sec. 18, SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , W $\frac{1}{2}$  SE $\frac{1}{4}$ .  
 The areas described aggregate 160 acres in Benton County.

2. At 10 a.m. on January 16, 1971, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, withdrawals, and classifications.

The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location and entry under the U.S. mining laws.

The State of Oregon failed to exercise its preference right of application for highway rights-of-way and material sites afforded it by section 24 of the Federal Power Act, supra, when notified of the proposed restoration of the land from the powersite reserve.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,  
*Assistant Secretary of the Interior.*

DECEMBER 11, 1970.

[F.R. Doc. 70-16912; Filed, Dec. 16, 1970;  
 8:46 a.m.]

[Public Land Order 4975]

[Wyoming 6947, 13633]

## NEBRASKA

## Partial Revocation of Reclamation Withdrawal; Opening of Lands Under Section 24 of the Federal Power Act

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, 43 U.S.C. section 416 (1964), and section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. section 818 (1964), and pursuant to the determination of the Federal Power Commission in DA-2-Nebraska, it is ordered as follows:

1. The order of the Bureau of Reclamation dated July 15, 1952, concurred in by the Bureau of Land Management on

July 11, 1955, which withdrew lands for reclamation purposes in connection with the Missouri River Basin Project is hereby revoked, so far as it affects the following described land:

## SIXTH PRINCIPAL MERIDIAN

T. 34 N., R. 27 W.,  
 Sec. 27, lots 9 and 10 (formerly lot 6).

The area described aggregates 29.51 acres in Cherry County.

The lands are located about 2 $\frac{1}{2}$  miles east and north of Valentine, Nebr., adjacent to the Niobrara River, in the Niobrara River Valley. Access is via State Highway 12, which bisects the lands.

2. The above described lands are also withdrawn in Powersite Reserve No. 408 of December 26, 1913. In DA-2-Nebraska, the Federal Power Commission determined that the power values of the lands will not be injured or destroyed by restoration to location, entry, or selection under the appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act, supra.

3. The lands remain withdrawn for the Fort Niobrara National Wildlife Refuge established by Executive Order No. 1461 of January 11, 1912. The partial revocation of the reclamation withdrawal, and the restoration of the lands from Powersite Reserve No. 408, subject to section 24 of the Federal Power Act, supra, were made in furtherance of an exchange of lands under the Act of October 15, 1966, 80 Stat. 926, by which acquisition of the offered lands will benefit the land program within the wildlife refuge. The lands, therefore, are not subject to other use or disposition under the public land laws.

HARRISON LOESCH,  
*Assistant Secretary of the Interior.*

DECEMBER 11, 1970.

[F.R. Doc. 70-16913; Filed, Dec. 16, 1970;  
 8:46 a.m.]

## Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 18881; FCC 70-1293]

## PART 73—RADIO BROADCAST SERVICES

## Table of Assignments; Charlotte Amalie and Christiansted, V.I.

*Report and order.* In the matter of amendment of § 73.606 of the Commission's rules, Table of Assignments, Television Broadcast Stations (Charlotte Amalie and Christiansted, V.I.); Docket No. 18881, RM-1369.

1. This proceeding, begun by notice of proposed rule making issued June 10, 1970 (FCC 70-637), concerns the possible amendment of § 73.606 of the Commission's rules, the Table of Television Assignments, to add Channels \*3 and \*12



as assignments in the U.S. Virgin Islands, reserved for educational use. As outlined in the notice, the matter has two problems: (1) The sites contemplated for the stations on these channels would have to be considerably less than the minimum mileage separations specified in the rules with respect to stations on these channels in western Puerto Rico (145 miles on Channel 3 and 169 miles on Channel 12, compared to 190 miles minimum separation specified in § 73.610(b) of the rules for stations in Zone II); and (2) about December 1, 1968, the International Frequency Registration Board (an agency of the I.T.U.) published a notification of use of these channels for television stations in the nearby British Virgin Islands, on the island of Tortola. Since Tortola is only some 10 miles from the nearest of the U.S. Virgin Islands, this use would clearly preclude United States use of the channels. The stations contemplated in this British notification have apparently not yet been constructed. In fact, the British notifications have been deleted from the IFRB master register.

*The petition for rule making and responsive comments.* 2. This proceeding was begun in response to a lengthy petition filed in November 1968 by the public television authority of the U.S. Virgin Islands (then the Public Television Commission of the Government of the Virgin Islands, now the Virgin Islands Public Television System, hereinafter Public Television). It was opposed in pleadings by the licensee of the Puerto Rico Channel 12 commercial station (WOLE-TV, Aguadilla-Mayaguez), Association of Maximum Service Telecasters, Inc. (MST, an association of television stations which has consistently opposed short separations), and the licensee of the Virgin Islands Channel 10 commercial station, WBNB, the latter chiefly on the ground of impact to its translator service on the two channels involved. Public Television replied to these oppositions, and the extensive arguments pro and con were set out at some length in the notice of proposed rule making.

3. In brief summary, Public Television urged: (1) The need for an ETV service of maximum efficiency and effectiveness, in this area of low incomes, only limited funds and resources for conventional education, and some language problems; (2) the ineffectiveness of UHF, both because of the higher cost compared to VHF for generally equal facilities, and because of low UHF set circulation in the Islands (said to be 20 percent or less), especially among the low-income groups the new service would particularly benefit; (3) the effectiveness of "equivalent protection", which the Commission has recognized in past cases and which Public Television proposed to use, in removing any potential interference to the cochannel stations in Puerto Rico (particularly in view of the rough terrain of that island, which prevents signals from the east from reaching the western portions); and (4) the alleged "uniqueness" of the situation involved here as contrasted with earlier situations where the Commission refused to permit short VHF spacings to provide additional service,

such as the 1963 "VHF drop-in" decisions.<sup>1</sup> In the latter connection, it was urged that there is no question of helping or retarding the development of UHF, since the Virgin Islands population is assertedly too small to support a "mixed" television system or probably a third commercial station of any kind (unlike the "drop-in" situations); and that here, unlike some of the proposals rejected by the Commission in the past, there is no problem of adjacent-channel interference (for which no equivalent-protection standards were devised), no alternative transmitter sites which would meet separations, and no artificial limitation on developing full service which was one factor in some of the earlier cases and one reason for their rejection. The opponents urged the Commission's commitment (at least since 1963) to a fully intermixed television system, and rejection of drop-ins designed to provide additional VHF channels instead; in the increasing number of UHF sets in the Virgin Islands as elsewhere (Public Television in reply contended that these are mostly for hotels and similar places, not for the general population); the feasibility of an adequate UHF operation at considerably less cost than claimed by Public Television (including two stations with power fairly low but adequate to serve the limited area of each of the main islands, plus one UHF translator, or possibly only one regular station plus two translators); and the loss to WBNB if it is forced to give up its two translators on Channels 3 and 12, and thus lose a portion of its audience which is important in view of the small total population of the Islands, and which sometimes receives no, or only one, other service.

*Comments filed in response to the notice.* 4. Comments in response to the notice of proposed rule making were filed by Public Television, MST, the licensee of the Channel 12 station in Aguadilla, P.R. (Western Broadcasting Corporation of Puerto Rico), the licensee of the educational Channel 3 station at Mayaguez (the Department of Education of Puerto Rico), and the licensee of Station WSVI, the commercial station on Channel 8 at Christiansted, St. Croix, V.I. (Quality Telecasting Corp.). Reply comments were filed by Public Television and the National Association of Educational Broadcasters (NAEB). The licensee of the other Virgin Islands station, WBNB-TV, did not file in response to the Notice. Public Television and NAEB supported the proposed assignments; the two commercial licensees and MST opposed them; and the Department of Education of Puerto Rico stated that it did not oppose the proposed Channel 3 assignment provided that the Commission imposes requirements on its use so as to afford maximum protection to the Channel 3 educational station, WIPM-TV Mayaguez, including protection of its operation at a location to which it contemplates moving.

5. Public Television's comments repeat its earlier arguments concerning the need

<sup>1</sup>Report on VHF Drop-Ins, 25 Pike & Fischer R.R. 1637 (1963).

for ETV and, in particular, for a VHF service, mentioning the continuing limitations on other educational approaches, the need to reach, particularly, low-income groups including a large number of aliens, the continuing lack of UHF sets among such groups, with new sets going largely to hotels and the homes of economically well-off retired persons, and the tremendous impact which programs such as Sesame Street have had when they have been available via VHF television and CATV. It is asserted that it is very doubtful that Virgin Islands governmental support could be obtained for a service—i.e., UHF—which would not reach a clear majority of the Islands' homes; and that, in short, assignment of Channel 3 at Charlotte Amalie and Channel 12 at Christiansted "will assure that effective educational television will be available to the people of the Virgin Islands in the near future." Public Television states that it is prepared to secure the necessary funding for VHF. It is also stated that petitioner will accept "equivalent protection" conditions along the lines set forth in its petition (which it believes adequate); and urges early action, since the delay resulting from the conflicting British Virgin Islands notification has, allegedly, already cost it money. Prompt action is also urged so that the Department of Health, Education, and Welfare can act on a request for funds.

6. The position of MST and Western Broadcasting (WOLE-TV) is essentially that Public Television has not carried the burden which must be sustained to justify any waiver of our rules, and in particular the particularly heavy burden on one seeking waiver of the TV mileage separation rules, which will be granted only "for the most cogent of reasons." (Camella Broadcasting Co., 20 R.R. 12, 14 (1960)). Their position is that UHF is available and can do the job, so that no justification for departure from established VHF separation standards exists. MST claims that the cost argument is not persuasive, since Public Television in its petition offered to abandon its VHF facilities and go to UHF in 10 years if the Commission should impose this requirement, obviously a tremendously expensive prospect belying any real cost-consciousness. As to the availability of UHF sets, MST asserts that Public Television has not shown any evidence in support of its claim of only 20 percent or less conversion; and that, in any event, this is the same situation which the Commission took into account and rejected in the 1963 VHF drop-in decisions, even where the need for additional service was critical. Moreover, it is said that the situation in the Virgin Islands is not now unique in this respect, since in many large markets where there is only UHF educational service, hundreds of thousands of homes are still without UHF capacity according to ARB figures set forth in the 1970-71 Television Factbook (Los Angeles, over 560,000, Detroit, 233,000, and Washington, D.C. 227,500).

7. Western Broadcasting's argument is along the same line but emphasizes the matters of comparative cost and

service. It is asserted that Public Television has advanced "an excessive and unnecessarily costly" proposal, wasting tremendous amounts of energy over water and amounting to using a sledge hammer when a fly swatter would do the job, and in some respects resulting in less coverage than would a much cheaper UHF operation. A supporting engineering statement discusses using three UHF channels (two now assigned in the Islands plus another which could be) and one transmitter with 2,000 watts and two with 100 watts transmitter power (E.R.P. of 16.3 kw. and 795 and 630 watts). Analyzing the population distribution of the three islands, this statement claims that the great majority of the population is within three principal cities, Charlotte Amalie on St. Thomas and Christiansted and Frederiksted on St. Croix, so that its proposed UHF operation, putting a good-quality signal over these centers and other populated areas, would bring ETV service to 95 percent of the population. In fact, it is claimed that it would be definitely superior to Public Television's VHF proposal in that it would provide good service to Frederiksted, which is cut off by mountains from the site where the VHF transmitter on Channel 12 is proposed to be located and thus would not receive as much as a Grade B signal under that proposal.<sup>2</sup> However, it is recognized that in some isolated areas, small populations (totalling less than 1,000) would be better served by VHF.<sup>3</sup>

8. With respect to the matter of "equivalent protection", the opponents do not question its feasibility as a means of preventing interference. Rather, it is claimed that Public Television has not established the present situation as one of those unusual cases calling for its application. It is pointed out that in the proceeding in which this approach was first advanced (Docket No. 13340, 21 R.R. 1695, 1699), it was described as being for use only "where there is the most pressing urgency for the addition of a third service in major markets", and not as a general substitute for mileage separation standards. It is pointed out that in considering this matter recently in connection with the Grand Rapids, Mich., Channel 13 station, we stated that:

"... equivalent protection by itself is only a means of reducing interference, and is not a substitute for spacing requirements.

(West Michigan Telecasters, Inc.) (WZZM-TV, 22 F.C.C. 2d 943, 946). It is also asserted that, even if appropriate equivalence standards are applied, this means interference where there is none now and none would be expected under the rules.

9. The opposition of Quality Telecasting Corp., licensee of Station WSVI, Christiansted, mentions the availability of UHF but is largely devoted to another possible approach to meeting the need for effective ETV service: Use of its facilities

<sup>2</sup> This deficiency in the VHF proposal could of course be cured by adding a third transmitter to it, just as the UHF proposal contemplates three transmitters.

<sup>3</sup> With respect to the actual population distribution as shown in preliminary 1970 U.S. Census reports, see paragraph 11, below.

by Public Television. It is pointed out that early in 1970 the Virgin Islands Public Television System entered into a contract with WSVI to use its facilities for ETV service for 2½ hours every weekday (10-11 a.m. and 4-5:30 p.m. Monday-Friday) through June 30, 1970, at about half the usual commercial rate for this time, and the station offered to make even more time available if needed. It is stated that petitioner was unable to fill this time, reduced its use to 1½ hours per day and (as of August 26) had not made known its requirements, if any, for the fall season. WSVI asserts its continued willingness to make its time and facilities available, and urges that this type of cooperative effort should be encouraged to continue. It is claimed that this is much less costly than a separate operation would be, and that the amount which Public Television claimed in its petition to be available—about \$500,000—would guarantee the immediate availability of several years of ETV programs, even if only half of it were available. WSVI asserts that, with commercial demand less in the Islands than in the United States generally, it is able to make available more time, and provide for more flexible scheduling, for ETV, than an ordinary commercial station could do; that it has recently increased power (to 58 kw.) and added two color videotape machines, so that it can do an adequate job; and that this expanded use of its facilities would strengthen the station as well as being cheaper for the public television authorities. It is also stated that WSVI is available for sale if Public Television wishes to pursue that course. WSVI also asks that before the Commission seriously considers Public Television's VHF proposal, it requires the petitioner to demonstrate that it still has the same resources it had 2 years ago to carry out its ambitious plans.

10. The reply comments of NABE, vigorously supporting the proposal, urges that the Commission reject the "hyper-technical" approach urged by MST, and instead look at the facts and circumstances of this matter: The possibility of satisfactory protection to cochannel stations; the uniqueness of this situation so that a waiver of the separation rules would have no precedential significance; the inadequacy of any alternative approach; the commitment of Public Television and the Government of the Virgin Islands to the cause of public television; the lack of a significant impact on other facilities; the mountainous terrain and the isolation from the mainland. It is also pointed out that in a number of cases in recent years the Commission has recognized that the special needs of ETV warrant waiver of the separation rules, e.g. Nebraska Educational Television Commission, 4 R.R. 2d 771 (1965) and seven other cases since. The same arguments as those made by Public Television are advanced concerning the inadequacy of UHF in light of low set circulation, no history of UHF activity or interest, and no significant impact on possible UHF development which might otherwise take place. As to the WSVI suggestion, NABE asserts that as long ago as 1952, in the sixth report and order, the Commission

made it clear that use of commercial facilities cannot be a substitute for true educational stations, with educators having to meet their special needs and timing requirements without reference to commercial exigencies.

*Data concerning the Virgin Islands.* 11. The U.S. Territory of the Virgin Islands lies in the Caribbean to the east of Puerto Rico, and consists of three principal islands—St. Thomas (containing the capital of Charlotte Amalie) and St. John, lying from about 40 to about 55 miles east of Puerto Rico, and St. Croix (with the city of Christiansted) about 40 miles south of St. John. Preliminary 1970 U.S. Census population figures show somewhat less concentration of population in the larger towns than indicated by the Western Broadcasting engineering statement mentioned above. The figures are as follows: Total population, 63,200; St. Thomas, 29,565, and Charlotte Amalie, 12,372; St. John, 1,743; St. Croix, 31,892, Christiansted 2,966, and Frederiksted 1,548. The present channel assignments in § 73.606 of the rules are as follows, with only the two VHF channels in use or applied for:

City	Channel No.
Charlotte Amalie—	10—, 17, *23, 43
Christiansted ———	8+, 15, *21, 27

*Equivalent protection.* 12. Western Broadcasting (KOLE-TV), opposing the proposed assignment of Channel 12, requested that if the assignment is made it be subject to certain detailed and rather elaborate conditions, similar to those recently imposed on the modification of license of a station changing channels in New Orleans.<sup>4</sup> The Department of Education of Puerto Rico, licensee of the Mayaguez Channel 3 station, urges three other points in this connection, on which its nonopposition to the proposal is conditioned: (1) That it take into account the transmitter move of the station which the Department contemplates, to a point near Maricao, some 15 miles northeast of its present location toward the center of the island; (2) that the formulation of "equivalent protection" criteria be based on the assumption that Puerto Rico and the Virgin Islands are located in television Zone III, under which a 220-mile cochannel separation is required between stations, instead of Zone II (190 miles) specified in the rules;<sup>5</sup> and (3) that the

<sup>4</sup> Western Broadcasting appears to agree that the proposal of Public Television, to operate on Channel 12 with radiation reduced toward Puerto Rico to the level of 4.4 kw. effective radiated power, is satisfactory with respect to the power to be used.

<sup>5</sup> The argument in the comments and supporting engineering statement is that while § 73.609(a) of the rules puts these islands in Zone II, this is simply because under normal spacing rules there is no possibility of cochannel assignments in Puerto Rico or the Virgin Islands in either event, and therefore for convenience they were included in Zone II along with most of the area of the United States. It is urged that in fact propagation conditions in these Caribbean land areas are the same as those along the gulf coast of the continental United States, where, because of tropospheric propagation, Zone III was established, with wider cochannel spacings than Zones I or II.

somewhat mountainous terrain of Puerto Rico, which Public Television urges as one reason for a waiver of the separation rules in this case, not be taken into account in formulating the protection requirements.

**International matters.** 13. As mentioned in paragraph 1, about December 1, 1968, the Commission received, through the regular circulars issued by the International Frequency Registration Board (IFRB), the notification that the Channel 3 and Channel 12 frequencies were to be used for television in the British Virgin Islands (on Tortola). Such use would, of course, preclude United States use in the U.S. Virgin Islands. The United States objected to this notified use, not because of its preclusive effect but because the power proposed (particularly the 100 kw. proposed for Channel 3) would cause harmful interference to the U.S. stations on these channels in western Puerto Rico and appeared to be in excess of that reasonably necessary to adequately serve the relatively small area of the British Virgin Islands, in both respects conflicting with the Geneva Radio Regulations (1959). The IFRB suggested that the two countries attempt to resolve this matter. Even though there has been a lack of timely construction of the stations and the British notifications have been deleted from the IFRB master register, the Commission believes that negotiations with the British should continue at this time. We shall consider the status of these negotiations when the applications for construction permits come before the Commission.

**Conclusions.** 14. Upon careful consideration of the foregoing matters, we believe that, as far as domestic considerations are concerned, the proposed assignments should be made, and \$73,610 of the rules waived to permit this.

15. In reaching this conclusion, we recognize the importance of the considerations of general principles urged by MST and Western Broadcasting, and referred to above, as well as the availability of UHF and the high importance which we have attached in many situations to furthering its development (including refusal to make short-spaced VHF assignments to provide needed service). Also, in reaching this decision, we do not attach great weight to all of the factors urged by Public Television and mentioned earlier herein. But, on balance, we believe that the public interest is well served by waiving the rule and making the assignments.

16. Of the factors involved, perhaps the most significant is the fact that channels for educational, or public television are involved. We have recognized the special importance of this service and of encouraging it in many actions over the last 18 years—for example, the basic concept of reserving a large number of channels, and continuing the reservation often in the face of substantial commercial demand in areas of channel

shortage—and we believe that this factor warrants special consideration here, and a different result from that which would be involved in unreserved, or "commercial", channel assignments. As NAEB points out, in numerous individual actions in recent years we have taken similar actions waiving \$73,610, where educational stations are involved.

17. Also, we conclude that the objective of encouraging UHF development is not significantly impaired by this action. In view of the small size of the U.S. Virgin Islands, and the complete absence of any interest in UHF there up to now, we are not persuaded that commercial UHF would be at all likely to develop there in the near future. Therefore, there is nothing to be gained in this respect by withholding the VHF assignment. There are also certain other aspects of this situation which make the action appropriate when it might not be in their absence, such as the unavailability of any other site which could be used and meet separations, and the fact that (despite the power reduction required to afford "equivalent protection"), full service can be provided to the entire U.S. Virgin Islands from the operation as proposed (perhaps with an additional translator).

18. Essentially, the reason for taking the action is because VHF appears to be the best way to bring the highly important service of public television, with maximum efficiency and effectiveness, to the people of the Virgin Islands at an early date. We agree with Western Broadcasting that, despite some terrain problems, UHF could probably do the job from a technical standpoint. But the fact remains that the amount of UHF set circulation is small; we believe that considerable weight must be attached to the assertion of Public Television that among the relatively low-income native population of the Islands—who will benefit most—VHF is necessary to reach them on the wide scale which is desirable.

19. In reaching this decision, we have also taken into account the possibilities urged by WSVI and mentioned above. In the 1952 Sixth Report and Order, and in decisions such as Ogden, Utah (RM-1569, FCC 70-1136, October 1970) we have noted the undesirable aspects of the restrictions on ETV development imposed by having to rely on a portion of the time of a commercial operation. See the sixth report and order in Dockets 8736 et al., 1 Pike & Fischer R.R. Part 3, p. 91:601, paragraph 46-49 (17 F.R. 3905 (1952)). We adhere to these views.

20. We emphasize that this decision is not to be taken as an indication that the Commission will favorably consider requests for short-spaced VHF assignments in other situations not involving the same circumstances as those here.

21. "Equivalent protection". Of course, one concept which makes this result possible is that of equivalent protection, so that no existing station loses service as a result of the less than standard spacing. Public Television has recognized this, and advanced proposals along these

lines. With respect to the power to be radiated on Channel 12 in the pertinent directions, its proposal appears to be acceptable to the cochannel licensee affected, Western Broadcasting.

22. In past assignment actions involving short-spaced use, we have not generally put any specific conditions on the assignment in the Table itself, and we do not do so here, beyond the general statement that stations using them shall afford equivalent protection. Thus, we do not at this time pass upon the specific conditions requested by Western Broadcasting, or on the three matters raised by the Puerto Rican Department of Education. These can be better considered if raised when a specific application is filed, since we will then know which channel and what specific site are involved.

23. *The assignments adopted.* As mentioned, it is not clear that either of the two channels involved will in fact ultimately be available, and certainly not clear that both will be, or (if one) which will be available. Accordingly, we are assigning both channels, on a hyphenated basis, to Charlotte Amalie-Christianssted, V.I.

24. In view of the foregoing: *It is ordered*, That, effective January 20, 1971, and pursuant to authority contained in section 4(i), 303 (g) and (r), and 307(b) of the Communications Act, § 73.606(b) of the Commission's rules, the Table of Assignments, Television Broadcast Stations, is amended, by the addition of the following entry and footnote to it:

City	Channel No.
Charlotte Amalie-Christianssted, V. Is.	*3, *12

\* Stations using these assignments shall limit radiation toward stations on the same channel in Puerto Rico, to no more than the effective radiated power which would be radiated by an omnidirectional station using maximum permissible effective radiated power for antenna height above average terrain, at the minimum distances from such stations specified in § 73.310(b). The Commission shall consider the status of the negotiations with the appropriate British authorities concerning these assignments when the applications for construction permits come before the Commission.

25. *It is further ordered*, That this proceeding, Docket No. 18831, is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1933; 47 U.S.C. 154, 303, 307)

Adopted: December 9, 1970.

Released: December 11, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,\*

[SEAL] BEN F. WABLE,  
Secretary.

[F.R. Dec. 70-16956; Filed, Dec. 16, 1970; 8:49 a.m.]

\* Commissioner Bartley absent; Commissioner Robert E. Lee dissenting and issuing a statement which is filed as part of the original document; Commissioner Johnson concurring in the result.

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Parts 1, 31, 301 ]

### INCREASE IN AMOUNT OF DEDUCTION ALLOWED FOR PERSONAL EXEMPTIONS

#### Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC: LR: T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the *FEDERAL REGISTER*. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person, upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the *FEDERAL REGISTER*. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,  
*Commissioner of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1), the Employment Tax Regulations (26 CFR Part 31), and the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments to sections 151 and 6013(b)(3)(A) of the Internal Revenue Code of 1954 by sections 801 and 941(b) of the Tax Reform Act of 1969 (83 Stat. 675, 726), such regulations are amended as follows:

PARAGRAPH 1. Paragraphs (b) (3)(ii) and (4) of § 1.1-2 are revised to read as follows:

§ 1.1-2 Rates of tax on heads of households.

(b) *Definition of head of household.*

(3) \* \* \*

(ii) Any other person who is a dependent of the taxpayer, if the taxpayer

is entitled to a deduction for the taxable year for such person under section 151 and the regulations thereunder. Under section 151 the taxpayer may be entitled to a deduction for any of the following persons:

(a) His brother, sister, stepbrother, or stepsister;

(b) His father or mother, or an ancestor of either;

(c) His stepfather or stepmother;

(d) A son or a daughter of his brother or sister;

(e) A brother or sister of his father or mother; or

(f) His son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law;

if such person has a gross income of less than the amount determined pursuant to § 1.151-2 applicable to the calendar year in which the taxable year of the taxpayer begins, if the taxpayer supplies more than one-half of the support of such person for such calendar year and if such person does not make a joint return with his spouse for the taxable year beginning in such calendar year. The taxpayer may not be considered to be a head of a household by reason of any person for whom a deduction is allowed under section 151 only by reason of section 152(a)(9), 152(a)(10), or 152(c) (relating to persons not related to the taxpayer, persons receiving institutional care, and persons covered by multiple support agreements).

(4) The father or mother of the taxpayer may qualify the taxpayer as a head of a household, but only if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 151 (determined without regard to section 152(c)). For example, an unmarried taxpayer who maintains a home for his widowed mother may not qualify as the head of a household by reason of his maintenance of a home for his mother if his mother has gross income equal to or in excess of the amount determined pursuant to § 1.151-2 applicable to the calendar year in which the taxable year of the taxpayer begins, or if he does not furnish more than one-half of the support of his mother for such calendar year. For purposes of subparagraph (B) of section 1(b)(2), a person who legally adopted the taxpayer is considered the father or mother of the taxpayer.

PAR. 2. Paragraph (a) of § 1.4-1 is revised to read as follows:

§ 1.4-1 Number of exemptions.

(a) For the purpose of determining the optional tax imposed under section 3, the taxpayer shall use the number of exemptions allowable to him as deduc-

tions under section 151. See sections 151, 152, and 153, and the regulations thereunder. In general, one exemption is allowed for the taxpayer; one exemption for his spouse if a joint return is made, or if a separate return is made by the taxpayer and his spouse has no gross income for the calendar year in which the taxable year of the taxpayer begins and is not the dependent of another taxpayer for such calendar year; and one exemption for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than the applicable amount determined pursuant to § 1.151-2. No exemption is allowed for any dependent who has made a joint return with his spouse for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins. The taxpayer may, in certain cases, be allowed an exemption for a dependent child of the taxpayer notwithstanding the fact that such child has gross income equal to or in excess of the amount determined pursuant to § 1.151-2 applicable to the calendar year in which the taxable year of the taxpayer begins. The requirements for the allowance of such an exemption are set forth in paragraph (c) of § 1.152-1. See paragraphs (c) and (d) of § 1.151-1 with respect to additional exemptions for a taxpayer or spouse who has attained the age 65 years and for a blind taxpayer or blind spouse

PAR. 3. The example contained in paragraph (e)(4) of § 1.72-17 is revised to read as follows:

§ 1.72-17 Special rules applicable to owner-employees.

(e) *Penalties applicable to certain amounts received by owner-employees.*

(4) \* \* \*

*Example.* B, a sole proprietor and a calendar-year basis taxpayer, established a qualified pension trust to which he made annual contributions for 10 years of 10 percent of his earned income. B withdrew his entire interest in the trust during 1973 when he was 55 years old and not disabled and for which, without regard to the distribution, he had a net operating loss and for which he is allowed under section 151 a deduction for one personal exemption. The portion of the distribution includible in B's gross income is \$25,750. In addition, B had a net operating loss for 1972. The other 3 taxable years involved in the computation under subparagraph (2)(i) of this paragraph were years of substantial income. For purposes of determining B's increase in tax attributable to the receipt of the \$25,750 (before the application of the provisions of subparagraph (2)(i)(b) of this paragraph), B's taxable income for the year he received the \$25,750 is treated, under subparagraph (3)(ii) of this paragraph, as being \$25,000 (\$25,750 minus \$750, the amount of the deduction

allowed for each personal exemption under section 151 for 1973). For purposes of determining whether 110 percent of the aggregate increase in taxes which would have resulted if 20 percent of the amount of the withdrawal had been included in B's gross income for the year of receipt and for each of the 4 preceding taxable years is greater (and thus is the amount of his increase in tax attributable to the receipt of the \$25,750), B's taxable income for the taxable year of receipt, and for the immediately preceding taxable year, is treated, under subparagraph (3) (i) of this paragraph, as being \$5,150 (\$25,750 divided by 5).

PAR. 4. The example contained in paragraph (d) (2) of § 1.72-18 is revised to read as follows:

§ 1.72-18 Treatment of certain total distributions with respect to self-employed individuals.

(d) *Computation of tax.* \* \* \*

*Example.* B, a sole proprietor and a calendar-year basis taxpayer, established a qualified pension trust to which he made annual contributions for 10 years of 10 percent of his earned income. B withdrew his entire interest in the trust during 1973, for which year, without regard to the distribution, he had a net operating loss and is allowed under section 151 a deduction for one personal exemption. At the time of the withdrawal, B was 64 years old. The amount of the distribution that is includible in his gross income is \$25,750. Because of B's net operating loss, the tax attributable to the distribution is determined under the rule of subparagraph (1) (ii) of this paragraph. For purposes of determining the tax attributable to the \$25,750, B's taxable income for 1973 is treated, under subparagraph (1) (ii) of this paragraph, as being 20 percent of \$25,000 (\$25,750 minus \$750, the amount of the deduction allowed for each personal exemption under section 151 for 1973). Thus, under subparagraph (1) of this paragraph, the tax attributable to the \$25,750 would be 5 times the increase which would result if the taxable income of B for the taxable year he received such amount equaled \$5,000. B has had no amounts withheld from wages and thus is not entitled to reduce the increase in taxes by the credit against tax provided in section 31 and may not reduce the increase in taxes by any other credits against tax.

PAR. 5. Section 1.151 is amended by revising section 151 (b), (c), (d) (1) and (2), and so much of section 151(e) (1) as precedes subparagraph (B), and by adding a historical note. These amended and added provisions read as follows:

§ 1.151 Statutory provisions; allowance of deductions for personal exemptions.

SEC. 151. Allowance of deductions for personal exemptions. \* \* \*

(b) *Taxpayer and spouse.* An exemption of [\$750 for taxable years beginning after Dec. 31, 1972; \$700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the taxpayer; and an additional exemption of [\$750 for taxable years beginning after Dec. 31, 1972; \$700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the spouse if a joint return is not made by the taxpayer and his spouse, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

1970, and before Jan. 1, 1972; \$625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(c) *Additional exemption for taxpayer or spouse aged 65 or more.*—(1) *For taxpayer.* An additional exemption of [\$750 for taxable years beginning after Dec. 31, 1972; \$700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the taxpayer if he has attained the age of 65 before the close of his taxable year.

(2) *For spouse.* An additional exemption of [\$750 for taxable years beginning after Dec. 31, 1972; \$700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse has attained the age of 65 before the close of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(d) *Additional exemption for blindness of taxpayer or spouse.*—(1) *For taxpayer.* An additional exemption of [\$750 for taxable years beginning after Dec. 31, 1972; \$700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the taxpayer if he is blind at the close of his taxable year.

(2) *For spouse.* An additional exemption of [\$750 for taxable years beginning after Dec. 31, 1972; \$700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. For purposes of this paragraph, the determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer; except that if the spouse dies during such taxable year such determination shall be made as of the time of such death.

(e) *Additional exemption for dependents.*—(1) *In general.* An exemption of [\$750 for taxable years beginning after Dec. 31, 1972; \$700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for each dependent (as defined in section 152)—

(A) Whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than [\$750 for taxable years beginning after Dec. 31, 1972; \$700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971], or

[Sec. 151 as amended by secs. 801 and 941 (b), Tax Reform Act 1969 (83 Stat. 675, 726)]

PAR. 6. Paragraphs (b), (c) (1), and (d) (1) and (2) of § 1.151-1 are revised to read as follows:

§ 1.151-1 Deductions for personal exemptions.

(b) *Exemptions for individual taxpayer and spouse (so-called personal exemptions).* Section 151(b) allows an exemption for the taxpayer and an additional exemption for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. Thus, a husband is not entitled to an exemption for his wife on his separate return for the taxable year beginning in a calendar year during which she has any gross income (though insufficient to require her to file a return). Since, in the case of a joint return, there are two taxpayers (although under section 6013 there is only one income for the two taxpayers on such return, i.e., their aggregate income), two exemptions are allowed on such return, one for each taxpayer spouse. If in any case a joint return is made by the taxpayer and his spouse, no other person is allowed an exemption for such spouse even though such other person would have been entitled to claim an exemption for such spouse as a dependent if such joint return had not been made.

(c) *Exemptions for taxpayer attaining the age of 65 and spouse attaining the age of 65 (so-called old-age exemptions).* (1) Section 151(c) provides an additional exemption for the taxpayer if he has attained the age of 65 before the close of his taxable year. An additional exemption is also allowed to the taxpayer for his spouse if a joint return is not made by the taxpayer and his spouse and if the spouse has attained the age of 65 before the close of the taxable year of the taxpayer and, for the calendar year in which the taxable year of the taxpayer begins, the spouse has no gross income and is not the dependent of another taxpayer. If a husband and wife make a joint return, an old-age exemption will be allowed as to each taxpayer spouse who has attained the age of 65 before the close of the taxable year for which the joint return is made. The exemptions under section 151(c) are in addition to the exemptions for the taxpayer and spouse under section 151(b).

(d) *Exemptions for the blind.* (1) Section 151(d) provides an additional exemption for the taxpayer if he is blind at the close of his taxable year. An additional exemption is also allowed to the taxpayer for his spouse if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. The determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer, unless



the spouse dies during such taxable year, in which case such determination shall be made as of the time of such death.

(2) The exemptions for the blind are in addition to the exemptions for the taxpayer and spouse under section 151 (b) and are also in addition to the exemptions under section 151(c) for taxpayers and spouses attaining the age of 65 years. Thus, a single individual who has attained the age of 65 before the close of his taxable year and who is blind at the close of his taxable year is entitled, in addition to the so-called personal exemption, to two further exemptions, one by reason of his age and the other by reason of his blindness. If a husband and wife make a joint return, an exemption for the blind will be allowed as to each taxpayer spouse who is blind at the close of the taxable year for which the joint return is made.

PAR. 7. Section 1.151-2 is revised to read as follows:

§ 1.151-2 Additional exemptions for dependents.

(a) Section 151(e) allows to a taxpayer an exemption for each dependent (as defined in section 152) whose gross income (as defined in section 61) for the calendar year in which the taxable year of the taxpayer begins is less than the amount provided in section 151(e) (1) (A) applicable to the taxable year of the taxpayer, or who is a child of the taxpayer and who—

(1) Has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or

(2) Is a student, as defined in paragraph (b) of § 1.151-3.

No exemption shall be allowed under section 151(e) for any dependent who has made a joint return with his spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins. The amount provided in section 151(e) (1) (A) is \$750 in the case of a taxable year beginning after December 31, 1972; \$700 in the case of a taxable year beginning after December 31, 1971, and before January 1, 1973; \$650 in the case of a taxable year beginning after December 31, 1970, and before January 1, 1972; \$625 in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971; and \$600 in the case of a taxable year beginning before January 1, 1970. For special rules in the case of a taxpayer whose taxable year is a fiscal year ending after December 31, 1969, and beginning before January 1, 1973, see section 21(d) and the regulations thereunder.

(b) The only exemption allowed for a dependent of the taxpayer is that provided by section 151(e). The exemptions provided by section 151(c) (old-age exemptions) and section 151(d) (exemptions for the blind) are allowed only for the taxpayer or his spouse. For example, where a taxpayer provides the entire support for his father who meets all the requirements of a dependent, he is en-

titled to only one exemption for his father (section 151(e)), even though his father is over the age of 65.

PAR. 8. Immediately after § 1.151-3 the following new section is added:

§ 1.151-4 Amount of deduction for each exemption under section 151.

The amount allowed as a deduction for each exemption under section 151 is (a) \$750 in the case of a taxable year beginning after December 31, 1972; (b) \$700 in the case of a taxable year beginning after December 31, 1971, and before January 1, 1973; (c) \$650 in the case of a taxable year beginning after December 31, 1970, and before January 1, 1972; (d) \$625 in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971; and (e) \$600 in the case of a taxable year beginning before January 1, 1970. For special rules in the case of a fiscal year ending after December 31, 1969, and beginning before January 1, 1973, see section 21(d) and the regulations thereunder.

PAR. 9. Paragraph (c) of § 1.152-1 is revised to read as follows:

§ 1.152-1 General definition of a dependent.

(c) In the case of a child of the taxpayer who is under 19 or who is a student, the taxpayer may claim the dependency exemption for such child provided he has furnished more than one-half of the support of such child for the calendar year in which the taxable year of the taxpayer begins, even though the income of the child for such calendar year may be equal to or in excess of the amount determined pursuant to § 1.151-2 applicable to such calendar year. In such a case, there may be two exemptions claimed for the child: One on the parent's (or stepparent's) return, and one on the child's return. In determining whether the taxpayer does in fact furnish more than one-half of the support of an individual who is a child, as defined in paragraph (a) of § 1.151-3, of the taxpayer and who is a student, as defined in paragraph (b) of § 1.151-3, a special rule regarding scholarships applies. Amounts received as scholarships, as defined in paragraph (a) of § 1.117-3, for study at an educational institution shall not be considered in determining whether the taxpayer furnishes more than one-half the support of such individual. For example, A has a child who receives a \$1,000 scholarship to the X college for 1 year. A contributes \$500, which constitutes the balance of the child's support for that year. A may claim the child as a dependent, as the \$1,000 scholarship is not counted in determining the support of the child. For purposes of this paragraph, amounts received for tuition payments and allowances by a veteran under the provisions of the Servicemen's Readjustment Act of 1944 (58 Stat. 284) or the Veterans' Readjustment Assistance Act of 1952 (38 U.S.C. ch. 38) are not amounts received as scholarships. See also § 1.117-4. For definition of the terms "child," "stu-

dent," and "educational institution," as used in this paragraph, see § 1.151-3.

PAR. 10. Paragraph (a) (3) (i) of § 1.213-1 is revised to read as follows:

§ 1.213-1 Medical, dental, etc., expenses.

(a) Allowance of deduction. \* \* \*

(3) (i) For medical expenses paid (including expenses paid for medicine and drugs) to be deductible, they must be for medical care of the taxpayer, his spouse, or a dependent of the taxpayer and not be compensated for by insurance or otherwise. Expenses paid for the medical care of a dependent, as defined in section 152 and the regulations thereunder, are deductible under this section even though the dependent has gross income equal to or in excess of the amount determined pursuant to § 1.151-2 applicable to the calendar year in which the taxable year of the taxpayer begins. Where such expenses are paid by two or more persons and the conditions of section 152(c) and the regulations thereunder are met, the medical expenses are deductible only by the person designated in the multiple support agreement filed by such persons and such deduction is limited to the amount of medical expenses paid by such person.

PAR. 11. Paragraph (d) (2) (iii) of § 1.214-1 is revised to read as follows:

§ 1.214-1 Expenses for the care of certain dependents.

(d) Dependents. \* \* \*

(2) Special rules. \* \* \*

(iii) The rules provided in sections 151 and 152, with respect to the definition and qualification of an individual as a dependent, govern for the purpose of section 214. Thus, expenses for the care of a child or stepchild under the age of 13 years for taxable years beginning before Jan. 1, 1964, under the age of 12 years) whom the taxpayer supports are deductible even though the child or stepchild has gross income equal to or in excess of the amount determined pursuant to § 1.151-2 applicable to the calendar year in which the taxable year of the taxpayer begins. On the other hand, expenses for the care of an aged parent would not be deductible if the gross income condition of § 1.151-2 is not met.

PAR. 12. Section 1.6013 is amended by revising subsection (b) (3) (A) (ii) and (iii) of section 6013 and the historical note to read as follows:

§ 1.6013 Statutory provisions; joint returns of income tax by husband and wife.

SEC. 6013. Joint returns of income tax by husband and wife. \* \* \*

(b) Joint return after filing separate return. \* \* \*

(3) When return deemed filed—(A) Assessment and collection. \* \* \*

(ii) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had less than \$750 for taxable years beginning after



Dec. 31, 1972; \$700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] of gross income ([§1,500 for taxable years beginning after Dec. 31, 1972; \$1,400 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$1,300 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$1,250 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] in case such spouse was 65 or over) for such taxable year—on the date of the filing of such separate return (but not earlier than the last date prescribed by law for the filing of such separate return); or

(iii) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had gross income of [§750 for taxable years beginning after Dec. 31, 1972; \$700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] or more ([§1,500 for taxable years beginning after Dec. 31, 1972; \$1,400 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$1,300 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$1,250 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] in case such spouse was 65 or over) for such taxable year—on the date of the filing of such joint return.

[Sec. 6013 as amended by sec. 73, Technical Amendments Act 1958 (72 Stat. 1660); sec. 801, Tax Reform Act 1969 (83 Stat. 675)]

PAR. 13. Paragraph (d) (3) (iii) of § 31.3402(f) (1)–1 is revised to read as follows:

§ 31.3402(f) (1)–1 Withholding exemptions.

(d) *Withholding exemptions to which an employee is entitled in respect of dependents.* \* \* \*

(3) \* \* \*

(iii) Either (a) reasonably be expected to have gross income of less than the amount determined pursuant to § 1.151–2 of this chapter (Income Tax Regulations) applicable to the calendar year in which the taxable year of the taxpayer begins, or (b) be a child (son, stepson, daughter, stepdaughter, adopted son, or adopted daughter) of the employee who (1) will not have attained the age of 19 at the close of the calendar year or (2) is a student as defined in section 151.

PAR. 14. Section 301.6013 is amended by revising subsection (b) (3) (A) (ii) and (iii) of section 6013 and the historical note to read as follows:

§ 301.6013 Statutory provisions; joint returns of income tax by husband and wife.

SEC. 6013. *Joint returns of income tax by husband and wife.* \* \* \*

(b) *Joint return after filing separate return.* \* \* \*

(3) *When return deemed filed—(A) Assessment and collection.* \* \* \*

(ii) Where only one spouse filed a separate return prior to the making of the joint re-

turn, and the other spouse had less than [§750 for taxable years beginning after Dec. 31, 1972; \$700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] of gross income ([§1,500 for taxable years beginning after Dec. 31, 1972; \$1,400 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$1,300 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$1,250 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] in case such spouse was 65 or over) for such taxable year—on the date of the filing of such separate return (but not earlier than the last date prescribed by law for the filing of such separate return); or

(iii) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had gross income of [§750 for taxable years beginning after Dec. 31, 1972; \$700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] or more ([§1,500 for taxable years beginning after Dec. 31, 1972; \$1,400 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; \$1,300 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; \$1,250 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] in case such spouse was 65 or over) for such taxable year—on the date of the filing of such joint return.

[Sec. 6013 as amended by sec. 73, Technical Amendments Act, 1958 (72 Stat. 1660); sec. 801, Tax Reform Act, 1969 (83 Stat. 675)]

[F.R. Dec. 70–16991; Filed, Dec. 10, 1970; 8:52 a.m.]

## [ 26 CFR Part 301 ]

### RESTRICTION ON EXAMINATION OF CHURCHES

#### Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805

of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,  
Commissioner of Internal Revenue.

In order to conform the Regulations on Procedure and Administration (26 CFR Part 301) under section 7605(c) of the Internal Revenue Code of 1954 to section 121(f) of the Tax Reform Act of 1969 (83 Stat. 548), such regulations are amended as follows:

PARAGRAPH 1. Section 301.7605 is amended by adding at the end thereof a new subsection (c) and by revising the historical note. These amended and added provisions read as follows:

§ 301.7605 Statutory provisions; time and place of examination.

SEC. 7605. *Time and place of examination.* \* \* \*

(c) *Restriction on examination of churches.* No examination of the books of account of a church or convention or association of churches shall be made to determine whether such organization may be engaged in the carrying on of an unrelated trade or business or may be otherwise engaged in activities which may be subject to tax under part III of subchapter F of chapter 1 of this title (sec. 511 and following, relating to taxation of business income of exempt organizations) unless the Secretary or his delegate (such officer being no lower than a principal internal revenue officer for an internal revenue region) believes that such organization may be so engaged and so notifies the organization in advance of the examination. No examination of the religious activities of such an organization shall be made except to the extent necessary to determine whether such organization is a church or a convention or association of churches, and no examination of the books of account of such an organization shall be made other than to the extent necessary to determine the amount of tax imposed by this title.

[Sec. 7605 as amended by sec. 4(1), Act of Apr. 2, 1956 (Public Law 466, 84th Cong., 70 Stat. 91); sec. 293(d) (4), Highway Revenue Act 1956 (70 Stat. 336); sec. 121(f), Tax Reform Act 1969 (83 Stat. 548)]

PAR. 2. Section 301.7605–1 is amended by adding at the end thereof a new paragraph (c). This added provision reads as follows:

§ 301.7605–1 Time and place of examination.

(c) *Restriction on examination of churches—(1) In general—(i) Examination to determine unrelated business taxable income.* Section 7605(c) imposes certain restrictions upon the examination of the books of account and religious activities of a church or convention or association of churches for the purpose of determining whether such organization may be engaged in activities the income from which is subject to tax under section 511 as unrelated business taxable income. The purposes of these restrictions are to protect such organizations from undue interference in their internal financial affairs through unnecessary examinations to determine the existence of unrelated business taxable income, and

to limit the scope of examination for this purpose to matters directly relevant to a determination of the existence or amount of such income.

(ii) *Examinations for other purposes.* The restrictions imposed by section 7605 (c) and subparagraphs (2) and (3) of this paragraph shall apply only to determinations of the unrelated business income tax liability of a church or convention or association of churches and have no application to an examination of the books of account and religious activities of such an organization for the purpose of determining the initial or continuing qualification of the organization under section 501(c)(3) or for any other purpose of the Code, such as, for example, determining the deductibility of contributions, transfers, or gifts to the organization under section 170, 2055, or 2522, or the tax liability of another person as authorized by section 7602.

(2) *Books of account.* Under the restrictions imposed by section 7605(c), no examination of the books of account of a church or convention or association of churches shall be made to determine whether such organization may be engaged in the carrying on of an unrelated trade or business or may be otherwise engaged in activities which may be subject to tax under part III of subchapter F of chapter 1 (section 511 et seq. following, relating to taxation of business income of exempt organizations) unless the Regional Commissioner believes that such organization may be so engaged and so notifies the organization in writing in advance of examination. In any examination of a church or convention or association of churches for the purpose of determining unrelated business income tax liability pursuant to such notice, no examination of the books of account of the organization shall be made except to the extent necessary to determine such liability.

(3) *Religious activities.* The notice requirements of section 7605(c) do not apply to an examination of the religious activities of an organization for the purpose of determining whether the organization is a church or convention or association of churches subject to the provisions of part III of subchapter F of chapter 1 and therefore entitled under subparagraph (2) of this paragraph to notice from the Regional Commissioner prior to examination of its books of account to determine unrelated business income tax liability. However, once it has been so determined that the organization is a church or convention or association of churches, no further examination of its religious activities may be made in connection with determining its liability, if any, for unrelated business income tax.

(4) *Effective date.* The provisions of this paragraph shall apply to audits and examinations of taxable years beginning after December 31, 1969.

[F.R. Doc. 70-16992; Filed, Dec. 16, 1970; 8:52 a.m.]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

#### [ 7 CFR Part 1030 ]

[Docket No. AO-361-A2-RO2]

### MILK IN CHICAGO REGIONAL MARKETING AREA

#### Notice of Partial Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and To Order

Notice is hereby given of the filing with the Hearing Clerk of this partial recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Chicago Regional marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

#### PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as herein-after set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Madison, Wis., on October 20 and 21, 1970, pursuant to notices thereof which were issued on August 3, 1970 (35 F.R. 12545) and August 21, 1970 (35 F.R. 13660).

This decision deals only with the issue relating to the allocation to Class I milk of specified receipts from a producer-handler. All other issues are reserved for later decision.

The material issues on the record of the hearing relate to:

1. Pool plant performance requirements for supply plants and reload points.
2. Diversion of producer milk.
3. Allocating to Class I milk specified receipts from a producer-handler.

#### FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

3. *Allocating to Class I milk specified receipts from a producer-handler.* Packaged fluid milk products received at a pool distributing plant from a producer-handler should be allocated to Class I milk if the pool distributing plant transfers during the same month to the producer-handler's plant for custom bottling purposes, an equivalent amount of skim milk and butterfat in bulk fluid milk products that are classified and priced as Class I milk. Such receipts at the pool distributing plant would not be subject to a compensatory payment.

Any skim milk and butterfat in packaged fluid milk products received at a pool distributing plant from a producer-handler in excess of an equivalent amount of bulk fluid milk products transferred from the pool distributing plant that are classified and priced as Class I milk, however, should be allocated to the lowest use class and subject to a compensatory payment in the same manner as any other receipt from a producer-handler.

Presently, the order allocates to Class II milk, to the extent possible, any receipt of fluid milk products from a producer-handler. If any such receipt is allocated to Class I milk, the pool plant handler must pay the difference between the Class I price and the Class II price in to the producer-settlement fund on such quantity. This allocation and payment procedure applies regardless of whether the producer-handler has received any Class I milk from the pool plant.

A producer-handler proposed that any packaged fluid milk products received at a pool plant from a producer-handler be allocated to Class I milk, not to be subject to a compensatory payment if the producer-handler has received an equivalent quantity of Class I milk (either bulk or packaged) from any pool plant. A group of operating cooperative associations supported this proposal.

In recent years the sale of milk in glass containers has declined. The single service disposable container, plastic coated paper, has become the major consumer package for milk. Many handlers no longer handle milk packaged in glass bottles.

The proponent producer-handler who packages milk in glass bottles desires to custom package fluid milk products in glass containers for a pool distributing plant. A pool handler, who packages most of his milk in paper cartons wishes to discontinue processing milk in glass containers entirely although he would like to continue to serve his customers who desire milk in glass containers. He has indicated interest in having the proponent producer-handler custom package milk in glass containers for him.

Since the present order provides that any fluid milk product received at a pool plant from a producer-handler shall receive credit only at the lowest class price, and any transfer to the producer-handler is Class I, the cost of such an arrangement would be prohibitive unless the producer-handler has sufficient

surplus milk to fill the custom-packaged sales. The custom-packaged sales would require a constant supply of milk and the producer-handler would need to carry sufficient surplus milk, in addition to his own reserve requirements, to supply such sales.

The proposal was made to allow a producer-handler to offset his transfers of packaged fluid milk to pool plants with purchases of Class I fluid milk products from pool plant sources, rather than assign his own production to surplus in the amount of the custom packaging operation.

Proponent operates a 120-cow dairy farm in addition to his milk plant. Milk produced on his farm accounts for about 60 percent of his total glass bottling operation and the remaining 40 percent is purchased in bulk from pool plants. In addition, he purchases packaged milk products from the pool handler for whom he wants to custom bottle.

The issue relates to whether a pool distributing plant should be required to assign milk which it transfers to a producer-handler as Class I for custom packaging, to its own Class II use when such milk reenters the pool plant in packaged form. As stated previously, because fluid milk products (in bulk or packaged form) disposed of by a producer-handler to another handler normally are deemed to be surplus to the producer-handler's operation, they are allocated to the lowest use class at the transferee handler's plant and any such milk allocated to Class I is subject to a compensatory payment.

In the situation where a producer-handler is clearly performing a custom bottling operation for a pool plant handler, and the transfers of fluid milk products between the two plants are strictly for this purpose, the custom-packaged milk returned to the same pool distributing plant would not represent the producer-handler's surplus. Such milk may be clearly identified as the quantity of bulk Class I milk received from the pool distributing plant for custom processing.

In accommodating this custom-packaging transfer, however, certain safeguards are necessary. Otherwise, through certain combinations of transfers of milk between one or more pool plants and the plant of a producer-handler, the producer-handler could assign his own surplus to the custom-packaging operation.

Receipts of packaged fluid milk products at a pool distributing plant from a producer-handler should be assigned to Class I and made exempt from compensatory payments only to the extent that the same pool distributing plant has transferred as Class I milk an equivalent quantity of fluid milk products in bulk to the producer-handler's plant. Obviously, only bulk transfers from the pool distributing plant would be made for custom bottling.

Proponent requested further, however, that packaged fluid milk products received from the pool distributing plant for which he is custom bottling, and Class I bulk receipts from other pool

plants, also should count toward the offset. Neither of these two alternatives should be adopted.

Producer-handlers are allowed under this order to purchase unlimited quantities of fluid milk products from pool plant sources. Although the matter of limiting a producer-handler's supplemental supplies was not an issue at the hearing, no change should be made that would expand the possibilities for a producer-handler to shift to pool producers the burden of his reserve supplies.

If a producer-handler were allowed to use packaged fluid milk products he receives from the pool distributing plant for which he is custom bottling or any fluid milk products, bulk or packaged, he receives from other pool plants to offset his custom packaging operation, the situation could arise where a pool distributing plant could purchase milk at less than the Class I price. A producer-handler who receives Class I milk on a continuing basis from a pool plant and who also has own farm milk in excess of his Class I requirements might well be willing to package this milk in surplus and sell it to a pool distributing plant at a price which would not be the seller something in excess of its value as surplus but less than the Class I price. The operator of the pool distributing plant obviously would have an incentive to purchase such milk for competitive advantage.

For the reasons set forth above, it is concluded that only bulk Class I milk shipments of fluid milk products from the pool distributing plant for which the producer-handler is custom bottling should be permitted to offset as Class I the packaged fluid milk products transferred to such pool distributing plant by the producer-handler.

No testimony was presented at the hearing in opposition to the producer-handler's proposal. However, two briefs were filed expressing opposition to it. An association of Chicago milk dealers filed a brief opposing any change which would enable a producer-handler to receive more favorable treatment under the order than currently. A large Wisconsin bargaining cooperative association, also filing an opposition brief, contended that when a handler's business expands beyond the point of occasional need for supplementary fluid milk supplies, he should no longer be considered a producer-handler. While many Federal milk orders do place a limit on the quantities that an exempt producer-handler may purchase from regulated sources, there was no proposal before the hearing to deny producer-handler status on the basis of the amount of fluid milk products he purchases from pool plants.

#### RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions

set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

#### GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

#### RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Chicago Regional marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

In § 1030.46(a) subparagraphs (1-a) and (3) (iii) are revised as follows:

§ 1030.46 Allocation of skim milk and butterfat classified.

(a) . . .

(1-a) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk in exempt milk and in packaged fluid milk products received at a pool distributing plant from a producer-handler to the extent that an equivalent

amount of skim milk in bulk fluid milk products classified pursuant to § 1030.44 (b) are transferred from the same pool distributing plant to the producer-handler's plant for custom bottling purposes;

\* \* \*

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order that were not subtracted pursuant to subparagraph (1-a) of this paragraph and from an exempt distributing plant;

Signed at Washington, D.C., on December 14, 1970.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 70-16988; Filed, Dec. 16, 1970;  
8:52 a.m.]

## [ 9 CFR Parts 317, 320 ]

### MEAT INSPECTION

#### Labeling and Containers of Federally Inspected Meat Products and Official Marks of Inspection

On August 14, 1969, there was published in the FEDERAL REGISTER (34 F.R. 13194-13255), a notice of intention of the Consumer and Marketing Service to revise the Federal Meat Inspection Regulations in 9 CFR Subchapter A, pursuant to the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. 601 et seq.). The notice included proposed new §§ 317.3, 317.4, and 317.15 pertaining to approval of labeling, marking devices, and containers for meat products subject to the Act and authorizations to make devices bearing official marks and related matters. A 60-day period was provided for interested persons to file comments concerning the proposed revision of the regulations.

On October 2, 1969, there was published (34 F.R. 15362), a notice of extension of the time until December 12, 1969, for filing comments on the proposed revision of the regulations.

*Statement of considerations.* Preventing the distribution of adulterated, mislabeled, and improperly packaged meats and meat food products is a principal objective of the Federal Meat Inspection Act. Sections 317.3, 317.4, and 317.15 of the regulations as contained in the notice were proposed to implement the provisions of the amended law that are intended to assure that products distributed under the Act are wholesome, not adulterated, and properly marked, labeled, and packaged, and that the official marks of the Department's inspection service are not printed, cast, lithographed, or otherwise made or used improperly.

The many comments and opinions expressed on these proposed sections gave the Department the benefit of a broad range of viewpoints, information, and data to consider in relation to the issues. These responses on the proposed amendments were principally from pack-

ers and their representatives, suppliers of labeling and packaging materials, and State and local government officials having responsibility for regulation of weights and measures and the inspection of meat and poultry products.

The number and nature of comments received emphasized the importance of the subject matter involved in the proposed regulations. The Department has carefully considered all of the information presented to it in these comments and all other currently available information, and in the light thereof, now proposes, in accordance with the administrative procedure provisions in 5 U.S.C. 553, to issue the following new §§ 317.3, 317.4, and 317.15 of the regulations under the Federal Meat Inspection Act as alternatives to the corresponding proposed sections in the notice of rulemaking of August 14, 1969, and to make a related change in § 320.1 of the subchapter as hereinafter set forth.

#### § 317.3 Prior approval required for certain labeling and marking devices; conditions and procedure.

(a) (1) No device containing an official mark or simulation thereof, and no label or other labeling to be used for any product at any official establishment shall be made or caused to be made in finished form until it has been approved in sketch form as provided for in this section: *Provided, however*, That no more than 100 labels or other units of labeling may be printed in finished form if marked "Proof" before removal from the printing establishment: *And provided further*, That this section does not apply to labeling used on the outside of an immediate or shipping container under an approval in accordance with § 316.13 (g) of this subchapter. No such device or labeling shall be used for any product at any official establishment until it has been approved for such product under this section or § 316.13(g) of this subchapter.

(2) Inserts, tags, liners, pasters, and similar articles containing written, printed or graphic matter and for use on products, or on, or to be placed within, coverings or other immediate or shipping containers of products at any official establishment shall be submitted for approval in the same manner as provided for in this section for other labeling.

(b) (1) Requests for sketch approval required under paragraph (a) (1) of this section shall be made on Form CP-480<sup>1</sup> (as set forth in Appendix A to this part) and in accordance with the procedures prescribed in this section. The operator of the official establishment where the product involved is to be prepared (or his agent) shall present the completed form, with four copies of a sketch as prescribed in subparagraph (3) of this paragraph, to the program inspector under whose jurisdiction the product will be prepared. The program inspector will write any comments that he may have

<sup>1</sup>Form CP-480 filed as part of original document.

on the back of the application form and sign the form to indicate that he has verified the application. The application will then be returned to the applicant for him to forward to the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(2) Any person preparing identical products at more than one official establishment may submit applications for sketch approval required under paragraph (a) (1) of this section for such products through any of such official establishments in the following manner:

(i) The operator of the establishment through which the application is made shall submit a completed form and sketch for each product to a program inspector under whose jurisdiction such product will be prepared in at least one plant, for comment and signature by such inspector, prior to forwarding the form and sketch to the Technical Services Division for approval, as provided in subparagraph (1) of this paragraph.

(ii) The operator of the establishment applying will provide sufficient copies of the forms and sketches so that an approved copy of the form and sketch may be provided to the program inspector and the operator of each official establishment concerned for each product involved.

(3) The sketch for labeling or a device submitted for approval under this paragraph (b) shall be a representation of the finished labeling or device, showing all features, including, as appropriate, type size, colors of design and packaging, and the placement of features. In order to meet these requirements the sketch shall be presented in any form prescribed in subdivision (i), (ii), (iii), (iv), (v), (vi), or (vii) of this subparagraph, including all matter specified in the subdivision selected:

(i) A comprehensive sketch consisting of a true color reproduction of the finished labeling or device in all details; or

(ii) A semicomprehensive sketch consisting of:

(a) Velox or photostat showing actual size and location of the product name, net weight statement, illustrations, and other bold features such as brand name or serving suggestion with black line location of other features;

(b) Tissue overlays indicating color location, black line printed type and official inspection legend;

(c) Color photograph, color transparencies, or C-Print of the pictorial if one is shown on the labeling; and

(d) Color chips indicating actual colors of the finished labeling or device; or

(iii) Completed black and white art work sketch presentation including:

(a) Finished velox or photostat of the complete black and white art work constituting a true reproduction of the finished labeling or device in black and white;

(b) Tissue overlay indicating color location;

(c) Color photograph, color transparency, or C-Print of the pictorial if one is shown on the labeling; and

(d) Color chips indicating actual colors of the finished labeling or device; or

(iv) Color copier sketch consisting of a facsimile produced by a color photocopy machine of a sketch as described in subdivision (i) or (ii) of this subparagraph or of a finished velox or photostat as described in subdivision (iii) of this subparagraph or of previously approved finished labeling, accompanied by tissue overlays showing proposed modifications; or

(v) Previously approved finished labeling with tissue overlays showing proposed modifications; or

(vi) In the case of any lithographed labels: Metal containers, or sections therefrom shall not be submitted for approval. Paper takeoffs can be used to represent lithographed labels for approval purposes. Such paper takeoffs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved; or

(vii) In the case of fiber containers: Printed layers, such as kraft paper sheet, showing the entire label, shall be submitted for approval in lieu of the complete container.

(4) Sketches provided for in subparagraph (3) of this paragraph may have the following information shown by means of velox, photostat, or tissue overlays, submitted with a master sketch, instead of submission of a separate sketch for each product to be prepared at each official establishment involved:

(i) The official inspection legend, if the labeling or device is to be used at more than one official establishment; but the official inspection legend of each establishment must be shown with respect to the product of that establishment.

(ii) If the labeling or device is to be used for more than one product, or for one product with more than one ingredient statement, the appropriate additional features to show the differences between the products.

(5) "Rough" sketches may be submitted directly to the Washington office of the Technical Services Division for "comment" only. Comments on rough sketches are intended as an aid to operators of official establishments in developing labeling for products and are not to be considered as a substitute for the normal procedures for sketch approval described in this section.

(6) (i) Each copy of the sketch of any labeling or device being submitted for approval shall be accompanied by a completed application Form CP-480.<sup>1</sup> Copies of this form may be obtained from the Technical Services Division, Consumer and Marketing Service of the Department. The information supplied thereon by the applicant shall be treated as confidential information insofar as authorized under the provisions of 5 U.S.C. 552, 18 U.S.C. 1905, and section 407 of the Act and 15 U.S.C. 50, and the public information regulations of the Department

of Agriculture (7 CFR 1.1 et seq. and 900.500 et seq.). All information requested must be given either in the space provided or by attaching additional sheets if necessary.

(ii) The following information must be entered by the applicant in the spaces in the application form as indicated below:

Space 1. Enter the product name as it will be shown on the labeling.

Space 2. Enter the official establishment number, in the case of domestic products, and the foreign establishment number in the case of products for importation.

Space 3. Indicate by a check mark the action requested. If application is for temporary use of any labeling, indicate the number of days needed to exhaust the existing supply of labeling already made under a prior authorization and the quantity involved.

Space 4. Specify the approval number of previously approved similar labeling or date of correspondence, if any, with the Technical Services Division relating to this application for sketch approval.

Space 5. Indicate by a check mark whether the labeling or device is for an immediate container or for a shipping container.

If the labeling or device is not for use on a container, indicate it is for "other" use, with information on exactly how it is to be used, such as "Band around product," "Placed on product," "Placed in shipping container," etc.

Space 6A. Check applicable block. If answer in space 6A was "yes," enter acceptance number in space 6B from Form CP-481. If answer in space 6A was "no," submit a complete packaging composition statement on Form CP-481 as required in space 6C.

Space 7. Specify standard can size, casing diameter carton dimensions, or analogous measurement details on other kinds of containers.

Space 8. Specify natural or artificial casings (fibrous, cellulose, etc.), films, plastics, fiberboard, or other materials.

Space 9. Enter, in square inches, the area of the "principal display panel" of the package as defined in § 317.2(d).

Space 10. Enter the net weight as shown on the label. Packing materials or substances that are not normally consumed, such as brine, vinegar, and agar agar, are not to be included in the net weight.

Space 11. Specify head space for canned products, and except for products that do not have distinct components, such as stew, chili, and soup, indicate the quantity of each major component used in filling the container. For examples: A frozen dinner is composed usually of three major distinct components, the meat and gravy or sauce portion, potatoes and vegetables. The quantity of each should be specified. "Beef and Gravy" is composed of two major components. For that product, show the quantity of cooked beef and the quantity of gravy in the finished product.

Space 12. For products that are composed of two or more major components, such as "Meatballs in Sauce," a formula shall be shown in space 12, listing the ingredients and quantity of each used in the preparation of each major component, e.g., for "Meatballs in Sauce," a statement of the ingredients, and quantity of each, used in the meatballs component, and a separate statement of the ingredients, and quantity of each, used in the "Sauce" component. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variations are stated. When a complex ingredient is shown in the formula, it must be explained further by showing the

common name of each ingredient therein but the quantity need not be shown for each ingredient in flavorings, colorings, spices, gravy bases, gravy mixes, sauces, seasoning mixes, and relishes. For example, show the total quantity of "flavorings" used. However, only the common name of each ingredient making up the flavoring mixture must be listed. Confidential formulations for spices, flavoring mixtures, and similar substances that have been placed on file with the Technical Services Division may be indicated in the statement of product formulations by code name or number.

For products that do not have distinctly separate components, such as stew, chili, soup, and sausage, space 12 shall be marked "N/A" (not applicable).

Space 13. Give the complete formula for the product. List all of the ingredients used in the preparation of the total product with each ingredient in its correct order of predominance and specify the quantity of each ingredient. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variations are stated. List spices, flavoring and similar substances as prescribed for space 12.

Space 14. Details of preparation to be listed may be limited to the operations that may significantly affect the physical properties of the product and its status as nonadulterated, such as fabricating, cooking, curing, or smoking, with approximate times and temperatures of each operation. A brief explanation shall be included of the control measures to be used by the official establishment to insure compliance with the procedures of preparation listed.

Space 15. The date on which the application is verified by the program employee shall be inserted by such employee in space 15.

Space 16. The program employee verifying the application shall sign his name in space 16.

Space 17. The date of which the application for approval is signed by the applicant or his representative shall be entered in space 17.

Space 18. The applicant for approval or his representative shall sign his name in space 18.

(7) Samples of a product for which labeling approval is sought may be required to be furnished to enable a determination of the acceptability of the labeling proposed for the product.

(8) Sketch approval shall be contingent upon approval under § 317.4 of the packaging and other containers proposed to be used for the product.

(c) (1) All applications for the approval as required by §§ 327.14 and 327.15 of this subchapter of labeling intended for use on or with products to be imported into the United States shall be submitted to the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, as provided in this paragraph.

(2) The application shall be made on Form CP-480,<sup>2</sup> completed in accordance with paragraph (b) (6) of this section and accompanied with three copies of a sketch as prescribed in paragraph (b) (3) and (4) of this section for each article of labeling. If the product is to be prepared in more than one foreign plant, one additional copy of the completed form and sketch shall be submitted for each such plant.

<sup>1</sup>Form CP-480 filed as part of original document.



## PROPOSED RULE MAKING

(3) Paragraph (b) (7) and (8) of this section are also applicable with respect to products for importation.

(4) Upon receipt of an approved sketch, and not before, a list of the ports of entry to which the product will be shipped, with sufficient copies of the finished labeling for distribution to the inspection office at each designated port, must be submitted to the Technical Services Division for distribution. The import inspector will not allow entry of the product until a copy of the finished labeling has been received by him.

(d) Copies of the approved application for domestic product will be mailed to the program employee at the official establishment concerned who will deliver a copy to the applicant. When applicants desire wider than usual disposition of approved copies, sufficient extra copies of the application should be provided by the applicant along with mailing or other distribution instructions. Approved applications for foreign product will be returned to the applicant. Copies will be sent to the foreign government concerned for the inspector of each plant in which the product is to be prepared. Any conditions that are applicable to the use of any labeling will be specified on the approved application.

(e) Each article of labeling or device made, or caused to be made by the applicant for approval of such labeling or device, shall conform to the approved sketch except that minor variations in color are permitted. Other deviations not specifically authorized under § 317.5 shall be submitted to the Technical Services Division for approval. Requests for temporary approval for the use of finished labeling or devices not in accordance with the approved sketch shall be submitted to the Technical Services Division for approval.

**§ 317.4 Packaging and other containers, approval required; conditions and procedure.**

(a) (1) Labeling approval for any product shall be contingent upon acceptance of a prototype of the immediate container to be used in contact with the product. Such acceptance will be conditioned upon compliance with criteria<sup>2</sup> established by the Technical Services Division to assure that the use of the container for any product will not result in the adulteration or misbranding of the product. These criteria are designed to, among other things, exclude the use of toxic substances in or on the immediate container, classify components of containers according to the temperature under which they may safely be used, and prohibit the use of components that are adversely affected by the acidity, salinity, or other particular properties of the food product to be placed in the container. An acceptable immediate container must be safe; that is, composed entirely of materials known to be completely lacking in poisonous or deleterious

substances which could be transmitted to the food product contained therein under the conditions of use. It must be adequate to protect the product and must not be deceptive.

(2) The Technical Services Division shall determine the acceptability of prototypes of immediate containers in accordance with such criteria. An acceptance number will be assigned to each prototype of a container found acceptable. This acceptance number will identify the prototype as chemically acceptable for the proposed use with the proposed labeling. Such number shall be shown in space 6B on Form CP-480.

(b) (1) Application for acceptance of a prototype of an immediate container shall be made by any interested person by completing Form CP-481, "Packaging Composition Statement" and submitting it, in duplicate, to the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. (Form CP-481<sup>3</sup> is set forth as Appendix B to this part and copies thereof can be obtained from the Technical Services Division, Consumer and Marketing Service of the Department.)

(2) The fabricator, manufacturer, or supplier of the immediate container must also submit sufficient information to identify all the component parts of the container. This information shall be submitted in written communication separate from Form CP-481. The communication shall set forth for each component: (i) The manufacturer's brand name or code designation of the component, (ii) a description of how the component will be used in making the container, and (iii) a list of the substances composing the component, each chemically identified: *Provided*, That a listing by brand name or code designation will constitute sufficient chemical identification if upon inquiry the applicant is advised that the Technical Services Division has prior information of the chemical composition of the component. The chemical identification must be sufficiently explicit to permit correlation with the provisions of Parts 8 and 121 of Chapter I, Title 21 of the Code of Federal Regulations promulgated by the Food and Drug Administration and with the criteria established by the Technical Services Division. Amounts of substances present in the component need be given only when limits have been established by regulations of the Food and Drug Administration. All information of a confidential or proprietary nature submitted to the Technical Services Division will be used only to evaluate the material and will be held in confidence insofar as authorized under the applicable laws and regulations cited in § 317.3(b) (6). Subsequent reference by the Department to the component will be by manufacturer's brand name or code, without identifying its chemical composition, unless otherwise required under said laws and regulations.

<sup>3</sup> Form CP-481 filed as part of original document.

(3) The following information must be entered in the spaces in the Form CP-481 as indicated below:

*Space 1.* Enter the type or class of the product(s) to be packaged (such as raw meats, cooked sausages, sliced coldcuts, cooked meat food products).

*Space 2.* Enter the name and complete address of the fabricator, manufacturer, or supplier of the container.

*Space 3A.* State the size and type of container and how it will be used in relation to the product. Include temperature of use and whether ink or adhesive will contact product. Do not include formulation or processing details of a secret or proprietary nature.

*Space 3B.* Designate each component part of the package as to type or class, e.g., ink, adhesive, or coating. It is not unusual for a package to have more than one ink, adhesive, or coating.

*Space 3C.* Enter the name and address of the manufacturer for each of the packaging components shown in 3B.

*Space 3D.* Enter the brand name or manufacturer's code for each of the packaging components shown in 3B. Do not include secret or proprietary information.

*Space 4.* Enter the date on which the application was signed by the applicant or his representative.

*Space 5.* This space is for the signature of the applicant or his representative.

Spaces 6, 7, and 8 are reserved for use by the Washington office of the Consumer Protection Program.

(4) Each outside container used for the shipping of unfilled immediate containers to official establishments shall have legibly printed or embossed upon it the acceptance number assigned to the immediate container prototype by the Technical Services Division.

**§ 317.15 Authorization required to make labeling or other devices bearing official marks.**

(a) No person shall cast, print, lithograph, or otherwise make or cause to be made, any labeling or other device, bearing any official mark, or simulation thereof, except as authorized by the Administrator as provided for in this section or in § 317.3(a).

(b) Upon approval of a sketch under § 317.3 the operator of the official establishment involved is authorized to make or cause to be made labeling or other devices, bearing official marks, in accordance with the approved sketch. The operator of the official establishment shall supply a copy of the approved sketch to the manufacturer from which the approved labeling or device is to be obtained. Records identifying the labeling and devices, bearing official marks, which were ordered and received and the disposition of such articles shall be maintained by the operator of the official establishment as provided in Part 320 of this subchapter. Such records shall include the official approval number issued for each article of labeling or device, the identity of the manufacturer, the quantity ordered and the quantity received, and the disposition of the articles.

(c) (1) Labeling and other devices, bearing any official mark, may be made only by a manufacturer authorized to make such articles under this paragraph.

<sup>2</sup> A pamphlet containing such criteria may be obtained from the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.



Any person desiring to cast, print, lithograph or otherwise make labeling or devices; bearing any official inspection mark, shall apply for annual authorization to make such articles, by letter addressed to the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. A new application shall be made for such an authorization for each fiscal year (July 1 through June 30) and shall state the name and address of the applicant and the nature of the business conducted by the applicant. The Technical Services Division will issue such authorization to any such applicant and assign a registration number for labeling or devices to be made by the applicant. The manufacturer of such labeling or devices shall show the registration number so assigned to him, in legible letters of not less than one-eighth inch, on an outer edge of each article of labeling printed or lithographed, and shall permanently apply such number to each device made by him, which bears any official mark or simulation thereof, and shall maintain, as provided in Part 320 of this subchapter, records as required in this paragraph relative to the manufacture of such labeling and devices. Such records shall show the identity of each different article of labeling or device so made by the manufacturer, the quantity of such labeling or devices so made, and the disposition made of such articles by the manufacturer; and shall also include the authorization from the Technical Services Division to make such articles and copies of all approved sketches received from the operators of the official establishments for the manufacture of such articles. The manufacturer of any such labeling or devices shall afford to the authorized representatives of the Secretary, upon their request, an opportunity to inspect and copy such records during regular hours of business.

(2) Authorization to make any labeling or other device issued to any manufacturer under this section may be withdrawn if it is found by the Administrator, after notice and opportunity to present views are afforded to such manufacturer, that the manufacturer has failed to comply with any requirement of this paragraph or has made or delivered any such labeling or device to any person who was not authorized under paragraph (b) of this section to receive such articles.

Section 320.1 of the regulations would be amended by adding at the end thereof the following:

**§ 320.1 Records required to be kept.**

(c) The operator of each official establishment, and the manufacturer of any labeling or other device bearing any official inspection mark, shall also maintain the records required by § 317.15 of this subchapter.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may

do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours and in a manner convenient to the public business (7 CFR 1.27(b)). Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER. Persons desiring opportunity for oral presentation of views should address such requests to the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for presentation of such views within the 60-day period. A transcript of all views orally presented will be made and filed in the office of the Hearing Clerk for public inspection during regular office hours in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., on December 14, 1970.

KENNETH M. MCENROE,  
Deputy Administrator, Meat  
and Poultry Inspection Programs.

[F.R. Doc. 70-16989; Filed, Dec. 16, 1970;  
8:52 a.m.]

## DEPARTMENT OF LABOR

Office of the Secretary

[ 29 CFR Part 20 ]

### ON-THE-JOB TRAINING PROGRAM REGULATIONS

#### Proposed Waiver Provision

Notice is hereby given that, pursuant to the authority of 42 U.S.C. 2587, the Department of Labor proposes to amend § 20.21 of Title 29 of the Code of Federal Regulations by amending paragraph (a) to read as follows:

#### § 20.21 Requirements for agreements for on-the-job training.

Prior to entering into an agreement with a training facility it shall first be determined that there is:

(a) Joint agreement to the training program and the wage scale by the training facility and the bargaining agent where there is a collective bargaining agreement applicable to the establishment and the occupation; provided, that the Secretary may waive the requirements of this paragraph when, in his judgment, such a waiver is reasonably necessary for the establishment of a training program pursuant to an affirmative action plan approved as meeting the requirements of Executive Order 11246 (30 F.R. 12319) or Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000(e)).

(Section 207, 76 Stat. 29; 42 U.S.C. 2587)

Interested persons are invited to submit written comments regarding the proposed amendment to Mr. Malcolm R. Lovell, Assistant Secretary for Manpower, Department of Labor, Washington, D.C. 20210, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this 14th day of December 1970.

J. D. HODGSON,  
Secretary of Labor.

[F.R. Doc. 70-16982; Filed, Dec. 16, 1970;  
8:51 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Hazardous Materials Regulations Board

[ 49 CFR Part 173 ]

[Docket No. HM-72; Notice No. 70-27]

### TRANSPORTATION OF HAZARDOUS MATERIALS

#### Phosphorus Oxychloride in Cargo Tanks

The Hazardous Materials Regulations Board is considering amending the Department's Hazardous Materials Regulations to confirm that phosphorus oxychloride may be transported in MC 310, MC 311, and MC 312 cargo tanks fabricated wholly of type 316 stainless steel. In so doing, it is also proposed to combine current paragraph (a) (8), (13), (14), and (15) of 49 CFR 173.271 into a new paragraph (a) (8) for consistency and clarification. Also, it is proposed to clarify the cargo tank cladding thickness requirement.

This proposal is based, in part, upon a petition submitted by the Bureau of Explosives, Association of American Railroads at the request of the Manufacturing Chemists Association, Inc. Presently, § 173.271(a) (13) prescribes the use of these specification cargo tanks when tanks are clad with a minimum of 20 percent type 316 stainless steel. Earlier, because ambiguous language implied that only such tanks clad with the subject steel are authorized, special permits were issued to accommodate tanks made wholly of type 316 stainless steel. Subsequent thereto, and upon further consideration, it was determined administratively that cargo tanks made wholly of type 316 stainless steel qualify for use under the words authorizing cargo tanks with a minimum of 20 percent cladding. The change proposed herein clarifies the application of that determination.

It is intended that the 20 percent minimum thickness factor be directed to the thickness of the cladding material which is the product of multiplying the design thickness of the tank's parent metal times 0.2. The thickness of the cladding material is not to be considered an integral part of the parent metal thickness but an addition thereto.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173:

In § 173.271 paragraph (a) (8) would be amended; paragraph (a) (13), (14), and (15) would be canceled as follows:

§ 173.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) \* \* \*

(8) Specification MC 310,<sup>1</sup> MC 311,<sup>1</sup> or MC 312 (§§ 178.340, 178.343 of this chapter).

Tank motor vehicles, subject to the following conditions:

(i) Lead-lined or nickel-lined tanks. If nickel-lined, the lining must consist of at least 1/32-inch of uncontaminated nickel at all points including rivets, welds and other joints, and edges of tank plates.

(ii) Tanks clad with type 316 stainless steel having minimum thickness of 0.2 times the design thickness of the parent metal. Authorized only for phosphorus oxychloride.

(iii) Tanks made from type 304 or 347 stainless steel. Authorized only for phosphorus trichloride.

(iv) Tanks made from type 316 stainless steel. Authorized only for phosphorus oxychloride and phosphorus trichloride.

(v) Specification MC 311<sup>1</sup> or MC 312 tank motor vehicles only. Tanks must be constructed of nickel at least 99 percent pure with all cast metal parts of the tank in contact with the lading having a minimum nickel content of approximately 96.7 percent.\* Authorized only for phosphorus oxychloride and phosphorus trichloride.

\* \* \*  
(13) [Canceled]  
(14) [Canceled]  
(15) [Canceled]  
\* \* \*

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before February 2, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

<sup>1</sup> Use of existing cargo tanks authorized, but tanks of new construction not authorized for use.

Issued in Washington, D.C., on December 14, 1970.

W. M. BENKERT,  
*Captain, U.S. Coast Guard, By  
direction of the Commandant,  
U.S. Coast Guard.*

ROBERT A. KAYE,  
*Director, Bureau of Motor Car-  
rier Safety, Federal Highway  
Administration.*

[F.R. Doc. 70-16889; Filed, Dec. 16, 1970;  
8:45 a.m.]

## ATOMIC ENERGY COMMISSION

[ 10 CFR Parts 2, 20, 30, 40, 50, 55,  
70, 71, 73, 150 ]

### CIVIL PENALTIES

#### Notice of Proposed Rule Making

The Atomic Energy Commission has under consideration amendments to its rules of practice, 10 CFR Part 2, which would implement section 4 of Public Law 91-161 (83 Stat. 444). That legislation, which became effective December 24, 1969, added a new section 234 to the Atomic Energy Act of 1954, as amended, which provides that any person who (1) violates any licensing provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act, or any rule, regulation or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or (2) commits any violation for which a license may be revoked under section 186, shall be subject to a civil penalty, to be imposed by the Commission, of not to exceed \$5,000 for each such violation, with a total penalty of \$25,000 payable by any person for all violations occurring within a period of 30 consecutive days.

The proposed amendments set forth below set out the procedures which the Commission will follow in imposing civil penalties. In compliance with the legislation, the proposed amendments to Part 2 provide that the Commission will give notice of violation and the amount of the proposed penalty, and opportunity to show in writing why the penalty should not be imposed, or why it should be mitigated. Although not required by Public Law 91-161, the proposed amendments would provide for a hearing if requested by the person charged with violation. Upon conclusion of the hearing, or consideration of the matters raised by the answer to the notice of violation, an order would be issued dismissing the proceeding or imposing, compromising, mitigating or remitting a civil penalty. If no answer is filed to the notice of violation, an order imposing the civil penalty in the amount set forth in the notice of violation would be issued. Provisions would also be made for compromising the penalty.

The proposed amendments also provide that if any civil penalty imposed is not paid within 10 days of service of the above described orders, the matter may be referred to the attorney general for collection. Subsection 234c of the Act authorizes the Attorney General to institute a civil action to collect penalties imposed pursuant to section 234. Conforming amendments to Parts 20, 30, 40, 50, 55, 70, 71, 73, and 150 are also proposed.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 2, 20, 30, 40, 50, 55, 70, 71, 73, and 150 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

1. Section 2.1 of 10 CFR Part 2 is amended to read as follows:

#### § 2.1 Scope.

This part governs the conduct of all proceedings under the Atomic Energy Act of 1954, as amended, for (a) granting, suspending, revoking, amending, or taking other action with respect to any license, authorization, construction permit, or application to transfer a license; (b) imposing civil penalties under section 234 of the Act; (c) public rulemaking; and (d) declaring a patent to be affected with the public interest, and the granting of a patent license under section 153 of the Act, but excluding all other patent matters.

2. The heading of Subpart B of 10 CFR Part 2 is amended to read as follows:

#### Subpart B—Procedure for Imposing Requirements by Order, or for Modification, Suspension, or Revocation of a License, or for Imposing Civil Penalties

3. Section 2.200 of 10 CFR Part 2 is amended to read as follows:

#### § 2.200 Scope of subpart.

(a) This subpart prescribes the procedure in cases initiated by the regulatory staff to impose requirements by

order on a licensee or to modify, suspend or revoke a license, or for such other action as may be proper.

(b) This subpart also prescribes the procedures in cases initiated by the regulatory staff to impose civil penalties pursuant to section 234 of the Act.

4. A new § 2.205 is added to 10 CFR Part 2 to read as follows:

**§ 2.205 Civil penalties.**

(a) Before instituting any proceeding to impose a civil penalty under section 234 of the Act, the Director of Regulation shall serve a written notice of violation upon the person charged. This notice may be included in a notice issued pursuant to § 2.201. The notice of violation shall specify the date or dates, facts, and the nature of the alleged act or omission with which the person in charged, and shall identify specifically the particular provision or provisions of the law, rule, regulation, license, permit or cease and desist order involved in the alleged violation and shall state the amount of each penalty which the Director of Regulation proposes to impose. The notice of violation shall also advise the person charged that the civil penalty may be paid in the amount specified therein, or the proposed imposition of the civil penalty may be protested in its entirety or in part, by a written answer, either denying the violation, or showing extenuating circumstances. The notice of violation shall advise the person charged that upon failure to pay a civil penalty subsequently determined by the Commission, if any, the penalty may be collected by civil action pursuant to section 234c. of the Act.

(b) Within twenty (20) days of the date of a notice of violation or other time specified in the notice, the person charged may either pay the penalty in the amount proposed or answer the notice of violation. The answer to the notice of violation shall state any facts, explanations, and arguments, denying the charges of violation, or demonstrating any extenuating circumstances, error in the notice of violation, or other reason why the penalty should not be imposed and may request remission or mitigation of the penalty. The person charged may request a hearing. If a hearing is requested, the answer must so state.

(c) The Director of Regulation may compromise any civil penalty.

(d) If the answer requests a hearing, the Commission will, within ten (10) days after receipt of the answer, issue an order designating the time and place of hearing.

(e) If a hearing is held, an order will be issued after the hearing by a presiding officer or the Commission dismissing the proceeding or imposing, mitigating, or remitting the civil penalty. If the person charged with violation fails to answer within the time specified in paragraph (b) of this section, the Director of Regulation will issue an order imposing the civil penalty in the amount set forth in the notice of violation described in paragraph (a) of this section. If no hearing

has been requested, the Director of Regulation, upon consideration of the answer to a notice of violation, will issue an order dismissing the proceeding or imposing, compromising, mitigating, or remitting the civil penalty.

(f) If the civil penalty is not remitted by the Commission and if payment is not made within ten (10) days following the service of the order described in paragraph (e) of this section, the Director of Regulation may refer the matter to the Attorney General for collection.

(g) Except when payment is made after compromise or mitigation by the Department of Justice or as ordered by a court of the United States, following reference of the matter to the Attorney General for collection, payment of civil penalties imposed under section 234 of the Act shall be made by check, draft or money order payable to the Treasurer of the United States, and mailed to the Director of Regulation.

5. Section 20.601 of 10 CFR Part 20 is amended to read as follows:

**§ 20.601 Violations.**

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation or order issued thereunder, or any term, condition or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

6. Section 30.63 of 10 CFR Part 30 is amended to read as follows:

**§ 30.63 Violations.**

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation or order issued thereunder, or any term, condition or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

7. Section 40.81 of 10 CFR Part 40 is amended to read as follows:

**§ 40.81 Violations.**

An injunction or other court order may be obtained prohibiting any viola-

tion of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation or order issued thereunder, or any term, condition or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

8. Section 50.110 of 10 CFR Part 50 is amended to read as follows:

**§ 50.110 Violations.**

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation or order issued thereunder, or any term, condition or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

9. Section 55.50 of 10 CFR Part 55 is amended to read as follows:

**§ 55.50 Violations.**

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued by the Commission under the Act. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation or order issued thereunder, or any term, condition or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or of the regulations in this part, may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

10. Section 70.71 of 10 CFR Part 70 is amended to read as follows:

**§ 70.71 Violations.**

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any

rule, regulation or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

11. Section 71.64 of 10 CFR Part 71 is amended to read as follows:

**§ 71.64 Violations.**

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation or order issued thereunder, or any term, condition or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both, as provided by law.

12. An undesignated centerhead "Enforcement" is added to 10 CFR Part 73 following § 73.42.

13. A new § 73.51 is added to 10 CFR Part 73 to read as follows:

**§ 73.51 Violations.**

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation or order issued thereunder, or any term, condition or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

14. Section 150.30 of 10 CFR Part 150 is amended to read as follows:

**§ 150.30 Violations.**

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation or order issued thereunder, or any term, condition or

limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

(Secs. 161, 234, 68 Stat. 948, 83 Stat. 444; 42 U.S.C. 2201, 2282)

Dated at Washington, D.C., this 25th day of November 1970.

For the Atomic Energy Commission.

W. B. McCool,

*Secretary of the Commission.*

[F.R. Doc. 70-16895; Filed, Dec. 16, 1970; 8:45 a.m.]

## FEDERAL POWER COMMISSION

[ 18 CFR Parts 201, 204, 205, 260 ]

[Docket No. R-403]

### UNIFORM SYSTEMS OF ACCOUNTS, FOR NATURAL GAS COMPANIES AND ANNUAL REPORT FORM

#### Date for Submission of Responses

DECEMBER 9, 1970.

Revision in uniform systems of accounts, for natural gas companies (Classes A, B, C, and D) and Annual Report Form No. 2 to adopt full-cost accounting for exploration and development costs incurred by pipeline companies on natural gas leases acquired on or after October 7, 1969.

On November 6, 1970, Arthur Andersen & Co. petitioned the Commission to permit interested parties to submit responses to any data, views comments or suggestions which are submitted in the above designated notice of proposed rule making.

Upon consideration, notice is hereby given that interested parties may submit responses by May 20, 1971, to the data, views or comments to be filed April 30, 1971, to the notice of proposed rule making issued October 5, 1970 (35 F.R. 15939), in the above designated matter

By direction of the Commission.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 70-16897; Filed, Dec. 16, 1970; 8:45 a.m.]

## FEDERAL RESERVE SYSTEM

[ 12 CFR Part 226 ]

[Reg. Z]

### TRUTH IN LENDING

#### Delay of Performance in Agricultural Credit Transactions Subject to the Right of Rescission

Pursuant to the authority contained in the Truth in Lending Act (15 U.S.C.

1601), the Board of Governors is considering amending § 226.9(c) of Part 226 to read as follows:

#### § 226.9 Right to rescind certain transactions.

(c) *Delay of performance.* Except as provided in paragraph (e) of this section, the creditor in any transaction subject to this section, other than an extension of credit primarily for agricultural purposes, shall not perform, or cause or permit the performance of, any of the following actions until after the rescission period has expired and he has reasonably satisfied himself that the customer has not exercised his right of rescission:

(1) Disburse any money other than in escrow;

(2) Make any physical changes in the property of the customer;

(3) Perform any work or service for the customer; or

(4) Make any deliveries to the residence of the customer if the creditor has retained or will acquire a security interest other than one arising by operation of law.

The amendment consists of the insertion of the words "other than an extension of credit primarily for agricultural purposes." The purpose of the amendment is to permit farmers to obtain money, goods, or services in agricultural credit transactions involving the right of rescission without being obliged to wait until the expiration of the rescission period.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 18, 1971. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

By order of the Board of Governors, December 10, 1970.

[SEAL] KENNETH A. KENYON,  
*Deputy Secretary.*

[F.R. Doc. 70-16903; Filed, Dec. 16, 1970; 8:45 a.m.]

## SMALL BUSINESS ADMINISTRATION

[ 13 CFR Part 121 ]

[Rev. 0]

### SMALL BUSINESS SIZE STANDARDS

#### Ammunition Industry

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by establishing new

definitions of a small business in Standard Industrial Classification Industry No. 1929, Ammunition, Except for Small Arms, Not Elsewhere Classified, for the purpose of Government procurement and SBA loans.

The currently effective size standards for this industry are 500 employees for the purpose of Government procurement, and 250 employees for the purpose of SBA loans.

Based on an analysis of statistics for this industry obtained from the Bureau of the Census, and a review of ammunition procurements at major Department of Defense procurement centers, we have determined that the number of qualified eligible small manufacturers of this kind of ammunition has diminished considerably in recent years due in large part to mergers and acquisitions. In view of the above, we have concluded that the procurement size standard for SIC Industry 1929 should be raised to 1,500 employees, and that the SBA loan size standard for such industry should be increased to 1,000 employees.

Interested persons may file with the Small Business Administration within 15 days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the proposal.

All correspondence should be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, DC 20416, Attention: Size Standards Staff.

It is proposed to amend the regulation as follows:

1. Schedule B of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby further amended by revising the size standard for Industry No. 1929, Ammunition, Except for Small Arms, Not Elsewhere Classified, to read as follows:

Census classification code	Industry	Employment size standard (number of employees)
1929-----	Ammunition, except for small arms, n.e.c.	1,500

2. Schedule A of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby further amended by revising the size standard for Industry No. 1929, Ammunition, Except for Small Arms, Not Elsewhere Classified, to read as follows:

Census classification code	Industry or class of products	Employment size standard (number of employees)
1929-----	Ammunition, except for small arms, n.e.c.	1,000

Dated: December 4, 1970.

EINAR JOHNSON,  
Acting Administrator.

[F.R. Doc. 70-16945; Filed, Dec. 16, 1970; 8:48 a.m.]

## INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1201]

[No. 32153 (Sub-No. 1)]

### UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

#### Notice of Proposed Rule Making

NOVEMBER 25, 1970.

Notice is hereby given pursuant to the provisions of section 553 of the Administrative Procedure Act that the Commission has under consideration proposed amendment of the Uniform System of Accounts for Railroad Companies, to be effective as of January 1, 1970, with regard to the availability and retention of records supporting transactions with affiliated companies, other than those related to ordinary railroad operations.

The proposed instruction will require carriers to maintain a separate file of records sufficient to support such transactions with affiliated companies. The records required to be retained and made available for examination would help the Commission in determining whether such transactions are detrimental to the interests of the carrier, thereby affecting the economy and efficiency of the carrier's service.

It is proposed to add instruction 1-10 to read as follows:

1-10 *Transactions with affiliated companies.* Each carrier shall maintain a separate file of records on all transactions with affiliated companies pertaining to the sale or transfer of assets, dividends, allocation of income taxes and similar items. It is not intended that the file include data relating to ordinary railroad operation such as lawful tariff charges, interchange of equipment and similar items.

The file maintained pursuant to this instruction shall be kept in such a manner as to enable the carrier to furnish accurately and expeditiously information and supporting documentation relating to the transactions. Transactions with affiliated companies shall be entered in the appropriate accounts for transactions of the same nature. Nothing herein contained, however, shall be construed as restraining the carrier from subdividing accounts for the purpose of recording separately transactions with affiliated companies.

Any party desiring to make representation in favor of or against the proposed change may do so through submission of written data, views or comments for consideration. An original and five copies of any such representation must be filed with the Secretary of the Interstate Commerce Commission, Washington, D.C. 20423, within 30 days after publication of this notice in the FEDERAL REGISTER. The Commission will consider all such responses and representations before deciding this matter, after which such order as may be found appropriate will be entered.

Notice shall be given railroad companies hereby affected and to the general public by depositing this notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing this notice with the Director, Office of the Federal Register.

(Secs. 12, 20, 24 Stat. 383, 385, as amended, 49 U.S.C. 12, 20)

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[F.R. Doc. 70-16974; Filed, Dec. 16, 1970; 8:59 a.m.]

[49 CFR Part 1241]

[No. 33344]

### ANNUAL REPORTS OF CLASS I RAILROAD COMPANIES

#### Notice of Proposed Rule Making

NOVEMBER 25, 1970.

Notice is hereby given pursuant to the provisions of section 553 of the Administrative Procedure Act that the Commission has under consideration revision of annual reports of class I railroad companies (49 CFR 1241.11) so as to require the reporting of additional data relating to transactions between the carriers and their affiliates, and additional financial data on Federal income taxes and sources and application of funds, effective with reports for the year ending December 31, 1970.

The Commission proposes to revise and replace certain schedules, instructions and requirements of Railroad Annual Report Form A with revised schedules, instructions and requirements; and, add new schedules<sup>1</sup> with related instructions and requirements as follows:

1. Replace Schedule 104A, Corporations Controlled by Respondent Other Than Through Title to Securities, Schedule 104B, Corporations Indirectly Controlled by Respondent, and Schedule 108, Corporate Control Over Respondent, and related instructions and requirements, with revised Schedule 104A, Companies Controlled by Respondent, revised Schedule 104B, Companies Indirectly Controlled by Respondent, new Schedule 104C, Companies Under Common Control with Respondent, and new Schedule 104D, Companies Controlling Respondent, and related instructions and requirements. Schedule 108A, Stockholders Reports, will be retained and renumbered to conform with the revised annual report.

2. Schedule 200, Comparative General Balance Sheet-Explanatory Notes, is revised to require additional information relating to pension fund accounting and administration.

3. Replace Schedule 350C, Analysis of Federal Income Taxes, and related instruction 2 of Schedule 350, with Schedule 351, Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes, Schedule 352, Computation of Federal Income Taxes, and

<sup>1</sup> Filed as part of the original document.



Schedule 353, Consolidated Federal Income Tax Information, and related instructions and requirements.

4. Introduce new Schedule 397, Statement of Source and Application of Funds During the Year.

5. Revise Schedule 563, Payments for Services Rendered by Other Than Employees, and related instructions, to specifically eliminate services rendered by affiliates. This information will be reported, together with other transactions between affiliated companies in new Schedule 564, Transactions Between Respondent and Companies or Persons Affiliated with Respondent for Services Received or Provided, Schedule 565, Other Transactions Between Respondent and Companies or Persons Affiliated with Respondent, and Schedule 566, Transactions Between Noncarrier Subsidiaries of Respondent and Other Affiliated Companies or Persons, and related instructions and requirements. Modify instructions to Schedule 562.

6. Schedule 581, Contracts, Agreements, Etc., is revised to require information on the routing of affiliates' traffic.

The proposed schedules and explanatory notes will facilitate the proper interpretation of financial statements and the disclosure of data deemed essentially related to the establishment and maintenance of reasonable charges for transportation services, to the promotion of adequate and efficient service and to the fostering of sound economic conditions in the railroad industry.

Any party desiring to make representations in favor of or against the proposed changes may do so through submission of written data, views, or comments for consideration. An original and five copies of such representations must be filed with the Secretary of the Interstate Commerce Commission, Washington, D.C. 20423, within 30 days after publication of this notice in the *FEDERAL REGISTER*. The Commission will consider all such responses and representations before deciding this matter, after which such order as may be found appropriate will be entered.

Notice shall be given railroad companies hereby affected subject to the provision of Part I of the Interstate Commerce Act, and the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register. Copies of the proposed reporting forms may be procured from the Commission by any interested parties.

(Secs. 12, 20, 24 Stat. 383, 386, as amended 49 U.S.C. 12, 20)

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[F.R. Doc. 70-16975; Filed, Dec. 16, 1970;  
8:50 a.m.]

## [ 49 CFR Part 1241 ]

[No. 35344 (Sub-No. 1)]

### ANNUAL REPORTS OF CLASS I RAILROAD COMPANIES

#### Notice of Proposed Rule Making

NOVEMBER 25, 1970.

Notice is hereby given pursuant to the provisions of section 553 of the Administrative Procedure Act that the Commission has under consideration proposed amendments to the reporting requirements of class I railroad companies (49 CFR 1241.11) so as to require the submission of a report from an independent accountant attesting to the conformity of certain schedules in the Railroad Annual Report Form A with the relevant accounting requirements of the Commission, effective with reports for the year ending December 31, 1971.

The proposed change is designed to supplement existing Commission compliance procedures and improve the Commission's effectiveness in interpreting financial data which is deemed essential to the establishment and maintenance of reasonable charges for transportation services. The proposed rule implements the Commission's accounting responsibilities by facilitating an early resolution of questionable accounting procedures. The independent certification of certain schedules of Annual Report Form A would provide the Commission, and affected carriers, annual checks of compliance with the accounting and reporting requirements. For most carriers this will be accomplished largely within the framework of the present annual examination by an independent accountant.

Accordingly, it is proposed to amend the applicable section of the reporting regulations for class I railroad companies and amend the General Instructions to Annual Report Form A. The proposed revisions are set forth below and made a part of this notice.

Any party desiring to make representations in favor of or against the proposed changes may do so through submission of written data, views, or comments for consideration. The original and five copies of such representations must be filed with the Secretary of the Interstate Commerce Commission, Washington, D.C. 20423, within 30 days after publication of this notice in the *FEDERAL REGISTER*. The Commission will consider all such responses and representations before deciding this matter, after which such order as may be found appropriate will be entered.

Notice will be given railroad companies hereby affected and to the general public by depositing this notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing this notice with the Director, Office of the Federal Register.

(Secs. 12, 20, 24, Stat. 383, 386, as amended, 49 U.S.C. 12, 20)

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

#### DETAILED STATEMENT OF PROPOSED RULE

Item No. 1. The text of § 1241.11 is redesignated § 1241.11(a); and, § 1241.11 is amended by adding paragraphs (b), (c), and (d) as follows:

§ 1241.11 Form prescribed for class I railroads.

(b) All class I railroad companies shall secure, for the year 1971 and each year thereafter, the services of an independent public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, to test compliance in all material respects, of those schedules as are indicated in the General Instructions set out in Annual Report Form A, with the Commission's Uniform System of Accounts for Railroad Companies, with orders issued by the Commission and with other accounting as prescribed in publications issued by the Commission. The Commission expects the identification of questionable matters by the independent public accountant will facilitate their early resolution and that the independent public accountant will seek advisory rulings by the Commission on such items. This examination shall be deemed supplementary to the periodic compliance audits of the Commission.

(c) Each class I railroad company shall file with its Annual Report Form A a letter or report of the independent public accountant certifying compliance with the Commission's accounting requirements. The letter or report shall cover the subjects and be in the form prescribed in the General Instructions of the annual report. The letter or report shall also set forth which, if any, of the examined schedules do not conform to the Commission's requirements and shall describe the discrepancies that exist. The Commission, however, shall not be bound by the opinion of the independent public accountant as set forth in the letter or report.

(d) The Commission will not recognize any public accountant who is not in fact independent. An accountant will not be considered independent with respect to any company if he has, or had during the period of the report, any direct financial interest or any material indirect financial interest in the company, its parents, subsidiaries or other affiliates. The Commission will determine the fact of independence by considering all the relevant circumstances including evidence bearing on the relationships between the accountant and the company or any affiliate thereof.

Item No. 2. The Annual Report Form A is amended by adding the following general instruction to read as follows:

The respondent shall file together with this form a letter or report signed by an independent public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, attesting to the conformity, in all material respects, of the following schedules in this report with the Commission's accounting requirements.



No.	Schedules	No.	Schedules
200A and 200L	Comparative General Balance Sheet.	350	Railway Tax Accruals.
204	Comparative General Balance Sheet—Explanatory Notes.	351	Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes.
205	Sinking, Capital, Insurance and Other Reserve Funds.	352	Computation of Federal Income Taxes.
206	Investments in Affiliated Companies.	353	Consolidated Federal Income Tax Information.
209	Other Investments.	397	Statement of Source and Application of Funds During the Year.
	Securities, Advances, and Other Intangibles Owned or Controlled Through Non-reporting Carrier and Non-carrier Subsidiaries.	563	Payments for Services Rendered by Other Than Employees and Affiliates.
211	Road and Equipment Property.	564	Transactions Between Respondent and Companies or Persons Affiliated With Respondent for Services Received or Provided.
211D	Depreciation Reserve—Road and Equipment Owned and Used.	565	Other Transactions Between Respondent and Companies or Persons Affiliated with Respondent.
211F	Depreciation Reserve—Road and Equipment Leased to Others.		
218	Funded Debt and Other Obligations.		
231	Capital Surplus.		
232	Retained Income—Appropriated.		
300	Income Account for the Year.		
	Income Account for the Year—Explanatory Notes.		
305	Retained Income—Unappropriated.		
310	Railway Operating Revenues.		
320	Railway Operating Expenses.		

The letter or report shall be in the following form, unless unusual circumstances or conditions, explained in the letter or report, demand that it be varied:

In connection with our regular examination of the financial statements of \_\_\_\_\_, for the year \_\_\_\_\_, on which we have reported separately under

date of \_\_\_\_\_, we have also reviewed schedules \_\_\_\_\_ of Railroad Annual Report Form A for the year filed with the Interstate Commerce Commission as set forth in its Uniform System of Accounts for Railroad Companies, orders issued by the Commission, and with other accounting as prescribed in publications issued by the Commission. Our review for this purpose included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

Based on our review, in our opinion the accompanying schedules identified in the preceding paragraph (except as noted below)<sup>1</sup> conform in all material respects with the accounting requirements of the Interstate Commerce Commission as set forth in its Uniform System of Accounts for Railroad Companies, orders issued by the Commission, and with other accounting as prescribed in publications issued by the Commission.

The letter or report shall state additionally which, if any, of the schedules set forth above do not conform to the Commission's accounting requirements, and shall describe the discrepancies that exist.

[P.R. Dec. 70-16376; Filed, Dec. 16, 1970; 8:50 a.m.]

<sup>1</sup> Parenthetical phrase inserted only when exceptions are to be reported.

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

#### PIG IRON FROM CANADA

##### Withholding of Appraisement Notice

Information was received on February 3, 1969, that pig iron from Canada was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 6, 1969, on page 14136. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such pig iron from Canada is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

**Statement of reasons.** Three manufacturers were found to be exporting pig iron to the United States.

Sales to the United States appear to be made to unrelated parties within the meaning of section 207 of the Act (19 U.S.C. 166).

There appears to be sufficient quantities of such or similar merchandise sold in the home market to furnish a basis of comparison.

Accordingly, purchase price will probably be compared with the adjusted home market price of such or similar merchandise.

In the case of one exporter, less than 25 percent of its merchandise was sold in the home market. Accordingly, in this case purchase price will probably be compared with the price at which such or similar merchandise is sold for consumption in Canada by a Canadian exporter whose volume of sales in the home market is 25 percent or more of the quantity sold by such exporter, other than for exportation to the United States.

Purchase price will probably be computed by deducting from the delivered, or delivered duty-paid price for exportation to the United States, the included freight charges, and U.S. duty and border clearance expenses where applicable. In the case of one manufacturer, an addition will probably be made for rebated foreign import duty granted on electrodes consumed in the production of pig iron.

The adjusted home market price will probably be computed on the basis of the

delivered price at which a preponderance of the merchandise was sold less delivery expenses or at f.o.b. plant price, as appropriate. Where a clear preponderance of the merchandise is not sold at one price, a weighted-average price is likely to be used. An adjustment appears warranted for differences in selling expenses where applicable.

The comparisons indicate that purchase price is probably lower than adjusted home market price.

Customs officers are being directed to withhold appraisement of pig iron from Canada in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or requests in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

[SEAL] EDWIN F. RAINS,  
Acting Commissioner of Customs.

Approved: December 12, 1970.

EUGENE T. ROSSIDES,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 70-16993; Filed, Dec. 16, 1970;  
8:52 a.m.]

#### Fiscal Service

**LONDON GUARANTEE AND ACCIDENT COMPANY OF NEW YORK, AND LONDON GUARANTEE AND ACCIDENT COMPANY, LTD., UNITED STATES BRANCH**

**Acceptable Surety Company on Federal Bonds and Termination of Authority to Qualify as an Acceptable Reinsuring Company on Federal Bonds**

#### Correction

In F.R. Doc. 70-16635 appearing on page 18752 in the issue for Thursday, December 10, 1970, the headings should read as set forth above.

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[A 4579]

#### ARIZONA

##### Order Opening Public Lands to Mineral Location, Entry, and Patent

By virtue of the authority of the Act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154) and the regulations thereunder contained in 43 CFR Subpart 3810, it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following described lands shall, commencing at 10 a.m. on January 13, 1971, be open to location, entry, and patenting under the U.S. Mining Laws, subject to the stipulations hereinafter quoted, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors, and assigns, and recorded in the county records and in the U.S. Land Office at Phoenix, Ariz., before any rights attach by virtue of this order:

GILA AND SALT RIVER MERIDIAN, ARIZONA  
T. 4 S., R. 11 E.,  
Sec. 17, E½.

The area described contains 320 acres.  
2. The land lies within the withdrawal for the Middle Gila River project made by Public Land Order No. 3836, dated September 27, 1965.

3. Location, entry, and/or patenting of the land shall be subject to the following stipulations:

a. In carrying on the mining and milling operations contemplated hereunder applicant will, by means of substantial dikes or other adequate structure, confine all tailings, debris, and harmful chemicals in such a manner that the same shall not be carried into Gila River bottom lands by storm waters or otherwise.

b. There is reserved to the United States, its successors and assigns, the prior right to use any of the lands above described, to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, railroads, and appurtenant irrigation structures, without any payment made by the United States or its successors for such right, with the agreement on the part of the applicant that if the construction of any or all of such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, railroads, or appurtenant irrigation structures across, over, or upon said lands should be made more expensive by reason of the existence of improvements or workings of the applicant thereon, such additional expense

is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within thirty (30) days after demand is made upon the applicant for payment of any such sums, the applicant will make payment thereof to the United States or its successors constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, railroads, or appurtenant irrigation structures across, over, or upon said lands. The applicant further agrees that the United States, its officers, agents, and employees and its successors and assigns shall not be held liable for any damage to the improvements or workings of the applicant resulting from the construction, operation, and maintenance of any of the works hereinabove enumerated.

Inquires concerning these lands shall be addressed to Manager, Land Office, Bureau of Land Management, 3022 Federal Building, Phoenix, AZ 85025.

JOE T. FALLINI,  
State Director.

DECEMBER 7, 1970.

[F.R. Doc. 70-16915; Filed, Dec. 16, 1970;  
8:46 a.m.]

[ES 8055]

## ARKANSAS

### Notice of Proposed Withdrawal and Reservation of Land

The Forest Service, Department of Agriculture, has filed application ES 8055 for the withdrawal of National Forest lands described below, from location and entry under the general mining laws, subject to existing valid rights, but not the mineral leasing laws:

FIFTH PRINCIPAL MERIDIAN  
OUACHITA NATIONAL FOREST

Roaring Branch Research Natural Area

T. 4 S., R. 28 W., Polk County,  
Sec. 26,  $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Sec. 27,  $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ ,  $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ ,  $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
Sec. 28,  $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$   
NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$   
NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$   
NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate 330 acres.

The applicant desires the withdrawal of the land for the protection of an established research area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Spring, MD 20910.

The authorized officer of the Bureau of Land Management will undertake such

investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

Parcel No.	Description	Acreage	Appraised value	Publication cost
Parcel 1, R-2602	T. 16 N., R. 14 E., SBM. Sec. 29, lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 31, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and west half NE $\frac{1}{4}$ NE $\frac{1}{4}$ .	418.69	\$42,000	\$10
Parcel 2, R-2473	T. 16 N., R. 15 E., SBM. Sec. 23, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ .	450.00	12,000	19

The lands will be sold subject to a reservation to the United States of rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. sec. 945), and existing rights-of-way. All minerals will be reserved to the United States and withdrawn by operation of law from appropriation under the public land laws. Bids may be made by the principal or his agent. Only bids for each entire parcel will be considered. Sealed bids will be considered only if received at the District and Land Office, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502, prior to 10 a.m. January 26, 1971. Each sealed bid must be in an envelope marked in the lower left hand corner "Public Sale Bid, January 26, 1971, Parcel No. 1 and/or 2". Each bid must be accompanied by certified check, post office money order, bank draft, or cashier's check made payable to the Bureau of Land Management for the amount of the bid plus the cost of publication. After publicly opening and declaring the highest qualifying sealed bid received for each parcel, the authorized officer shall invite oral bids in increments of \$200. The bidder declared to have entered the highest qualifying oral bid must promptly submit payment in a form acceptable for a sealed bid. Payment shall

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

DORIS A. KOIVULA,  
Manager.

DECEMBER 9, 1970.

[F.R. Doc. 70-16914; Filed, Dec. 16, 1970;  
8:46 a.m.]

## CALIFORNIA

### Notice for Public Sale

DECEMBER 9, 1970.

Pursuant to petition applications of Molybdenum Corporation of America filed under the Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-27) and 43 CFR Subpart 2720, there will be offered to the highest bidder, but at not less than the appraised value, at a public sale to be held at 11 a.m. local time on January 26, 1971, at the District and Land Office, 1414 University Avenue, Riverside, CA, the following tracts of public land in San Bernardino County, Calif.

be for the amount of the bid plus the cost of publication indicated above. The right is reserved at any time to determine that the lands should not be sold or that any and all bids should be rejected. For further information write: Manager, District and Land Office, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,  
Assistant Land Office Manager.

[F.R. Doc. 70-16917; Filed, Dec. 16, 1970;  
8:46 a.m.]

## CALIFORNIA

### Notice for Public Sale

DECEMBER 9, 1970.

Pursuant to petition applications of Searles Lake Chemical Corp. and Kerr-McGee Chemical Corp. filed under the Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-27), and 43 CFR Subpart 2720, there will be offered to the highest bidder, but at not less than the appraised value, at a public sale to be held at 11 a.m. local time on January 28, 1971, at the District and Land Office, 1414 University Avenue, Riverside, CA, the following tracts of public lands in San Bernardino County, Calif.:

Parcel No.	Description	Acreage	Appraised value	Publication cost
Parcel 1, R-2402	T. 23 S., R. 43 E., MDB. Sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 17, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ .	200	\$34,000	\$10
Parcel 2, R-2553-76		150	32,000	19

The lands will be sold subject to a reservation to the United States of rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. Sec. 945), and existing rights-of-way. All minerals will be reserved to the United States and withdrawn by operation of law from appropriation under the public land laws. Bids may be made by the principal or his agent. Only bids for each entire parcel will be considered. Sealed bids will be considered only if received at the District and Land Office, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502, prior to 10 a.m. January 28, 1971. Each sealed bid must be in an envelope marked in the lower left hand corner "Public Sale Bid, January 28, 1971, Parcel No. 1 and/or 2". Each bid must be accompanied by certified check, post office money order, bank draft, or cashier's check made payable to the Bureau of Land Management for the amount of the bid plus the cost of publication. After publicly opening and declaring the highest qualifying sealed bid received for each parcel, the authorized officer shall invite oral bids in increments of \$200. The bidder declared to have entered the highest qualifying oral bid must promptly submit payment in a form acceptable for a sealed bid. Payment shall be for the amount of the bid plus the cost of publication indicated above. The right is reserved at any time to determine that the lands should not be sold or that any and all bids should be rejected. For further information write: Manager, District and Land Office, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,  
Assistant Land Office Manager.

[F.R. Doc. 70-16916; Filed, Dec. 16, 1970;  
8:46 a.m.]

## CALIFORNIA

### Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 9, 1970.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. S 4056, for the withdrawal of the lands described below, subject to valid existing rights, from location, prospecting, entry, and patenting under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires the land for the development of campgrounds and recreation sites located approximately 5½ miles southwest of Orleans, Calif., adjacent to Red Cap Creek, within 1 mile of the Klamath River, in Humboldt County.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior,

Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations in 43 CFR 2351.4(c), 35 F.R. 9557, dated June 13, 1970 (formerly 43 CFR 2311.1-3 (c)), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

HUMBOLDT MERIDIAN  
SIX RIVERS NATIONAL FOREST  
Red Cap Recreation Area

T. 10 N., R. 5 E.,  
Sec. 14, N½NW¼SW¼NE¼, SW¼NW¼SW¼NE¼, S½NE¼SW¼NW¼, SW¼SW¼NW¼, N½SE¼SW¼NW¼, S½NW¼SE¼NW¼, N½SW¼SE¼NW¼, NE¼SE¼NW¼, N½SE¼SE¼NW¼, and NW¼NW¼NW¼SW¼.  
Sec. 15, N½NE¼NE¼SE¼ and SE¼SE¼NE¼.

The areas described aggregate approximately 70 acres in Humboldt County.

ELIZABETH H. MIDBY,  
Chief,  
Lands Adjudication Section.

[F.R. Doc. 70-16948; Filed, Dec. 16, 1970;  
8:48 a.m.]

[Serial No. I-3180]

## IDAHO

### Notice of Public Sale

DECEMBER 10, 1970.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427), 43 CFR Subpart 2721, a tract of land will be offered for sale to the highest bidder at a sale to be held at 2 p.m., m.s.t., on Wednesday, January 27, 1971, at the Idaho Land Office, Room 380 Federal Building, 550 West Fort Street, Boise, ID 83702. The land is described as follows:

BOISE MERIDIAN, IDAHO

T. 9 S., R. 13 E.,  
Sec. 2, SE¼SW¼, SW¼SE¼;  
Sec. 11, NE¼NW¼.

The area described contains 120 acres. The appraised value of the tract is \$7,800 and the publication cost to be assessed is \$10.

The land will be sold subject to all valid existing rights and rights-of-way of record and to a reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals will be reserved to the United States and withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws.

Bids may be made by the principal or his agent, either at the sale, or by mail. An agent should be prepared to show that the person he represents is a qualified bidder.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received at the Idaho Land Office, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, ID 83702, prior to 1 p.m., m.s.t., on Wednesday, January 27, 1971. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publication costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, I-3180, sale of January 27, 1971."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day following the sale.

If no bids are received for the sale tract on Wednesday, January 27, 1971, the tract will be reoffered on the first Wednesday of subsequent months at 1:30 p.m., beginning February 3, 1971.

Any adverse claimants to the above described lands should file their claims or objections, with the undersigned before the time designated for the sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, ID 83702.

CURTIS R. TAYLOR,  
Acting Manager, Land Office.

[F.R. Doc. 70-16918; Filed, Dec. 16, 1970;  
8:46 a.m.]

[Serial No. Idaho 3542]

## IDAHO

## Notice of Public Sale

DECEMBER 10, 1970.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 938; 43 U.S.C. 1421-1427), 43 CFR Subpart 2721, a tract of land will be offered for sale to the highest bidder at a sale to be held at 3 p.m., m.s.t., on Wednesday, January 27, 1971 at the Idaho Land Office, Room 380, Federal Building, 550 West Fort Street, Boise, ID 83702. The land is described as follows:

BOISE MERIDIAN, IDAHO

T. 2 N., R. 1 E.,  
Sec. 10, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described contains 40 acres. The appraised value of the tract is \$10,000 and the publication cost to be assessed is \$15.

The land will be sold subject to all valid existing rights and rights-of-way of record and to a reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals will be reserved to the United States and withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws.

Bids may be made by the principal or his agent, either at the sale or by mail. An agent should be prepared to show that the person he represents is a qualified bidder.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received at the Idaho Land Office, Bureau of Land Management, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702, prior to 2 p.m., m.s.t., on Wednesday, January 27, 1971. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publication costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, I-3542, Sale of January 27, 1971."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day following the sale.

If no bids are received for the sale tract on Wednesday, January 27, 1971, the tract will be reoffered on the first Wednesday of subsequent months at 1:30 p.m., beginning February 3, 1971.

Any adverse claimants to the above-described lands should file their claims

or objections with the undersigned before the time designated for the sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office, Bureau of Land Management, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702.

CURTIS R. TAYLOR,  
*Acting Manager, Land Office.*

[F.R. Doc. 70-16919; Filed, Dec. 10, 1970;  
8:46 a.m.]

[Serial No. Idaho 3575]

## IDAHO

## Notice of Public Sale

DECEMBER 9, 1970.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 938; 43 U.S.C. 1421-1427), 43 CFR Subpart 2721, a tract of land will be offered for sale to the highest bidder at a sale to be held at 2 p.m., m.s.t., on Wednesday, January 20, 1971, at the Idaho Land Office, Room 330 Federal Building, 550 West Fort Street, Boise, ID 83702. The land is described as follows:

BOISE MERIDIAN, IDAHO

T. 11 S., R. 19 E.,  
Sec. 10, N $\frac{1}{2}$ SW $\frac{1}{4}$ .

The area described contains 80 acres. The appraised value of the tract is \$5,200 and the publication cost to be assessed is \$10.

The land will be sold subject to all valid existing rights and rights-of-way of record and to a reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals will be reserved to the United States and withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws.

Bids may be made by the principal or his agent, either at the sale or by mail. An agent should be prepared to show that the person he represents is a qualified bidder.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received at the Idaho Land Office, Bureau of Land Management, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702, prior to 1 p.m., m.s.t., on Wednesday, January 20, 1971. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publication costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, I-3575, sale of January 20, 1971."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day following the sale.

If no bids are received for the sale tract on Wednesday, January 20, 1971 the tract will be reoffered on the first Wednesday of subsequent months at 1:30 p.m., beginning February 3, 1971.

Any adverse claimants to the above described lands should file their claims or objections with the undersigned before the time designated for the sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries regarding this sale should be addressed to the Land Office, Bureau of Land Management, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702.

CURTIS R. TAYLOR,  
*Acting Manager, Land Office.*

[F.R. Doc. 70-16320; Filed, Dec. 16, 1970;  
8:46 a.m.]

[Serial No. I-3831]

## IDAHO

## Notice of Public Sale

DECEMBER 10, 1970.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 938; 43 U.S.C. 1421-1427), 43 CFR Subpart 2721, a tract of land will be offered for sale to the highest bidder at a sale to be held at 2:30 p.m., m.s.t., on Wednesday, January 27, 1971, at the Idaho Land Office, Room 380, Federal Building, 550 West Fort Street, Boise, ID 83702. The land is described as follows:

BOISE MERIDIAN, IDAHO

T. 5 N., R. 3 W.,  
Sec. 17, N $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{4}$ ;  
Sec. 18, E $\frac{1}{2}$ NE $\frac{1}{4}$ .

The area described contains 160 acres. The appraised value of the tract is \$8,800 and the publication cost to be assessed is \$10.

The land will be sold subject to all valid existing rights and rights-of-way of record and to a reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals will be reserved to the United States and withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws.

Bids may be made by the principal or his agent, either at the sale, or by mail. An agent should be prepared to show that the person he represents is a qualified bidder.



Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received at the Idaho Land Office, Bureau of Land Management, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702, prior to 2 p.m., m.s.t., on Wednesday, January 27, 1971. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publication costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, I-3831, sale of January 27, 1971."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day following the sale.

If no bids are received for the sale tract on Wednesday, January 27, 1971, the tract will be reoffered on the first Wednesday of subsequent months at 2 p.m., beginning February 3, 1971.

Any adverse claimants to the above described lands should file their claims or objections, with the undersigned before the time designated for the sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office, Bureau of Land Management, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702.

CURTIS R. TAYLOR,  
Acting Manager, Land Office.

[F.R. Doc. 70-16921; Filed, Dec. 16, 1970;  
8:46 a.m.]

[Montana 16584]

## MONTANA

### Order Providing for Opening of Public Lands

#### Correction

In F.R. Doc. 70-16186 appearing at page 18404 in the issue of Thursday, December 3, 1970, the first line under "T. 37 N., R. 23 E.," in the first column on page 18405 reading "Sec. 1, lots 9, 10, 11, and 12, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and" should read "Sec. 1, lots 9, 10, 11, and 12, S $\frac{1}{2}$ N $\frac{1}{2}$ , and".

[Montana 8905]

## MONTANA

### Notice of Classification of Public Lands for Multiple-Use Management

DECEMBER 8, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the

regulations in 43 CFR Parts 2400 and 2460, the public lands described below were classified for multiple-use management (33 F.R. 12387-12388) on September 4, 1968.

2. Publication of this notice has the effect of further segregating the lands described below from all forms of appropriation under the public lands laws, including the general mining laws, but not from the mineral leasing laws. The area contains the Square Butte laccolith, a volcanic formation which rises 1,700 feet above the surrounding plain. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. Several comments were received following publication of the notice of proposed classification in the FEDERAL REGISTER of October 8, 1970 (35 F.R. 15853-15854), most of them favorable to the proposal. All comments were carefully considered in the light of the law and regulations, and it was determined that no change in the proposed classification is warranted. The record showing comments received and other information is on file and can be examined in the Lewistown District Office, Lewistown, Mont.

4. As provided in paragraph 2 above, the public lands effected by this classification are located within the following described area and are shown on a map designated by serial number M 8905 in the Lewistown District Office, Bureau of Land Management, Bank Electric Building, Lewistown, Mont. 59457, and on plats in the Land Office, Bureau of Land Management, Federal Building, 316 North 26th Street, Billings, MT 59101.

PRINCIPAL MERIDIAN, MONTANA

CHOUTEAU COUNTY

Square Butte Natural Area

T. 20 N., R. 12 E.,  
Sec. 19, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 20, W $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;  
Sec. 21, SW $\frac{1}{4}$ ;  
Sec. 28, lots 3 and 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 29, lots 1 and 2, N $\frac{1}{2}$ , and N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 30, lots 1, 3, 4, 5, 6, and 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ .

The public lands described above aggregate approximately 1,946.53 acres.

5. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 321, Washington, D.C. 20240.

EUGENE H. NEWELL,  
Acting State Director.

[F.R. Doc. 70-16922; Filed, Dec. 16, 1970;  
8:47 a.m.]

[Montana 12498]

## MONTANA

### Notice of Classification of Public Lands for Multiple-Use Management

DECEMBER 10, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2400 and 2460, the public lands described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; U.S.C. sec. 334), from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171), and from operation of the mining laws (30 U.S.C. Ch. 2). The lands shall remain open to all other applicable forms of appropriation. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The public lands described herein were included in a proposed withdrawal by the Bureau of Reclamation for the Big Horn Project. This proposed withdrawal has been terminated. The lands lie adjacent to the west boundary of the Big Horn Canyon National Recreation Area. They are bounded on the west by other public lands which have been previously classified for multiple-use management. These lands contain recognized recreation and archeological values and form a natural backdrop to the National Recreation Area.

3. Comments and statements were received following publication of the notice of proposed classification published in the FEDERAL REGISTER (35 F.R. 6015-6016) on April 11, 1970. These comments were generally favorable to the classification as proposed and therefore no changes have been made in the classification. The record showing comments received and other information can be examined in the Billings District Office, Billings, Mont., and on records in the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

4. The public lands affected by this classification are located within the following described areas and are shown on maps on file in the Billings District Office, Billings, Mont., and on plats in the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

PRINCIPAL MERIDIAN, MONTANA

CARBON COUNTY

T. 9 S., R. 28 E.,  
Sec. 4, W $\frac{1}{2}$ E $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ , lying west of the Big Horn Canyon National Recreation Area;  
Sec. 9, E $\frac{1}{2}$ E $\frac{1}{2}$ , lying west of the Big Horn Canyon National Recreation Area;  
Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , lying west of the Big Horn Canyon National Recreation Area;  
Sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , lying west of the Big Horn Canyon National Recreation Area;

Sec. 22, E $\frac{1}{2}$ NW $\frac{1}{4}$ , lying west of the Big Horn Canyon National Recreation Area.

The lands described aggregate approximately 280 acres.

5. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 321, Washington, D.C. 20240.

EDWIN ZADILICZ,  
State Director.

[F.R. Doc. 70-16923; Filed, Dec. 16, 1970;  
8:47 a.m.]

[Montana 12770]

## MONTANA

### Notice of Classification of Public Lands for Multiple-Use Management

DECEMBER 8, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2400 and 2460, the public lands described below were classified for multiple-use management (35 F.R. 11062) on July 9, 1970.

2. Publication of this notice has the effect of further segregating the lands described below from all forms of appropriation under the public land laws, including the general mining laws, but not from the mineral leasing laws. The area contains a multitude of dense stable granite spires, fingers, towers, and walls intermingled with pine covered ridges. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. Several comments were received following publication of the notice of proposed classification in the FEDERAL REGISTER of October 8, 1970 (35 F.R. 15854), most of them favorable to the proposal. All comments were carefully considered in the light of the law and regulations, and it was determined that no change in the proposed classification is warranted. The legal description within the proposed classification did contain an error. The lands in sec. 24 of T. 1 S., R. 9 W., P.M.M., should have read N $\frac{1}{2}$ NE $\frac{1}{4}$  rather than N $\frac{1}{2}$ NW $\frac{1}{4}$ . This correction is reflected in the lands described below. The records showing comments received and other information is on file and can be examined in the Dillon District Office, Dillon, Mont.

4. As provided in paragraph 2 above, the public lands affected by this classification are located within the following described area and are shown on maps on file in the Dillon District Office, Bureau of Land Management, Dillon, Mont. 59725 and on plats in the Land Office,

Bureau of Land Management, Federal Building, 316 North 26th Street, Billings, MT 59101.

PRINCIPAL MERIDIAN, MONTANA  
HUMBOLDT SPIRES PRIMITIVE AREA

T. 1 N., R. 8 W.,  
Sec. 31, lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 1 S., R. 8 W.,  
Secs. 5 to 7, inclusive;  
Sec. 8, N $\frac{1}{2}$ SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 17, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 18, all;  
Sec. 19, lot 1 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 1 S., R. 9 W.,  
Sec. 1, all;  
Sec. 2, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 11, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;  
Sec. 12, lots 1, 2, 3, and 4, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ ,  
and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 13, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and  
SE $\frac{1}{4}$ ;  
Sec. 14, N $\frac{1}{2}$  and N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 15, NE $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$ .

The public lands described above aggregate approximately 7,041.23 acres.

5. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 321, Washington, D.C. 20240.

EDWIN ZADILICZ,  
State Director.

[F.R. Doc. 70-16924; Filed, Dec. 10, 1970;  
8:47 a.m.]

[Serial No. N-4551]

## NEVADA

### Notice of Offering of Land for Sale

DECEMBER 8, 1970.

1. Notice is hereby given that under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Part 2720, the Secretary of the Interior will offer for sale the following tracts of land:

MOUNT DIABLO MERIDIAN, NEVADA

T. 17 N., R. 63 E.,  
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

2. The area described contains 80 acres and is located about 6 miles northwest of Ely. The land is to be used for agricultural purposes.

3. It is the intention of the Secretary to enter into an agreement with the Municipal Water Department, city of Ely, to permit their purchase of the lands at fair market value.

4. The lands will be sold subject to all valid existing rights. Reservation will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

5. Any adverse claimants should file their claims or objections with the undersigned within 30 days of the filing of this notice.

ROLLA E. CHANDLER,  
Manager, Nevada Land Office.

[F.R. Doc. 70-16349; Filed, Dec. 16, 1970;  
8:48 a.m.]

[Serials Nos. N-1002, 4639, N-4093, 2170, 1612]

## NEVADA

### Notice of Public Sale

DECEMBER 9, 1970.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427), 43 CFR Subpart 2720, five parcels of land will be offered for sale to the highest bidder at 10 a.m., Tuesday, May 11, 1971, at the Ely District Office, Pioche Star Route, Ely, NV 89301. The lands are more particularly described below.

MOUNT DIABLO MERIDIAN, NEVADA

#### PARCEL 1

T. 12 N., R. 63 E.,  
Sec. 7, lot 3, E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
240.42 acres.

#### PARCEL 2

T. 16 N., R. 63 E.,  
Sec. 35, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
40 acres.

#### PARCEL 3

T. 17 N., R. 64 E.,  
Sec. 19, lots 5-12, inclusive, E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ .  
157.32 acres.

#### PARCEL 4

T. 5 N., R. 63 E.,  
Sec. 2, W $\frac{1}{2}$ .  
310.01 acres.

#### PARCEL 5

T. 6 N., R. 63 E.,  
Sec. 3, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 9, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 10, NW $\frac{1}{4}$ .  
360 acres.

The publication costs to be assessed for each parcel are estimated at \$4. The appraised value of these parcels has not yet been determined. Interested parties may contact the Nevada Land Office, Reno, Nev., or the Ely District Office prior to the sale date for this information.

A protest to the classification of the lands in T. 6 N., R. 66 E., was filed with the Secretary of the Interior. Sale of those lands will be made only if the Secretary does not exercise his supervisory authority and the initial classification becomes the final order of the Secretary.

The lands will be sold subject to all valid existing rights. Reservations will be made to the United States of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail.

[Serial No. N-3508]

## NEVADA

## Notice of Public Sale

DECEMBER 9, 1970.

An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or of any State thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land in a parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Ely District Office, Bureau of Land Management, Pioche Star Route, Ely, NV 89301, prior to 4 p.m. on Monday, May 10, 1971. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelopes must show the sale and parcel numbers and date of sale in the lower left hand corner: "Public Sale Bid, Sale N-1002, et al., Parcel No. -----, 10 a.m., May 11, 1971."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received the authorized officer shall declare the high bid. A successfully oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 4:30 p.m. of the day of the sale.

Any parcel not sold on Tuesday, May 11, 1971, shall be reoffered on the first Tuesday of subsequent months at 10 a.m., beginning June 1, 1971.

Any adverse claimants to the above-described lands should file their claims, or objections, with the undersigned before the time designated for sale.

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, NV 89502, or to the District Manager, Bureau of Land Management, Pioche Star Route, Ely, NV 89301.

ROLLA E. CHANDLER,  
Manager, Nevada Land Office.

[F.R. Doc. 70-16925; Filed, Dec. 16, 1970;  
8:47 a.m.]

1. Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427), 43 CFR Subpart 2720, 15 parcels of land will be offered for sale to the highest bidder at 10 a.m., Wednesday, September 15, 1971, at the Winnemucca District Office, Highway Interstate 80, Winnemucca, NV 89445. The lands are more particularly described below.

## MOUNT DIABLO MERIDIAN, NEVADA

T. 35 N., R. 37 E.,	PARCEL 1
Sec. 4, lots 1, 2, 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ .	
208.58 acres.	
Sec. 6, all.	PARCEL 2
615.29 acres.	
Sec. 10, S $\frac{1}{2}$ S $\frac{1}{2}$ .	PARCEL 3
160 acres.	
Sec. 12, NE $\frac{1}{4}$ .	PARCEL 4
160 acres.	
Sec. 12, NW $\frac{1}{4}$ .	PARCEL 5
160 acres.	
Sec. 12, SW $\frac{1}{4}$ .	PARCEL 6
160 acres.	
Sec. 12, SE $\frac{1}{4}$ .	PARCEL 7
160 acres.	
Sec. 30, lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .	PARCEL 8
268.30 acres.	
T. 36 N., R. 37 E.,	PARCEL 9
Sec. 34, N $\frac{1}{2}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .	
360 acres.	
T. 35 N., R. 38 E.,	PARCEL 10
Sec. 18, NE $\frac{1}{4}$ .	
160 acres.	
Sec. 18, NW $\frac{1}{4}$ .	PARCEL 11
160.05 acres.	
Sec. 18, SW $\frac{1}{4}$ .	PARCEL 12
153.69 acres.	
Sec. 18, SE $\frac{1}{4}$ .	PARCEL 13
160 acres.	
Sec. 30, E $\frac{1}{2}$ .	PARCEL 14
337.65 acres.	
T. 36 N., R. 38 E.,	PARCEL 15
Sec. 1, lots 5-14, inclusive, S $\frac{1}{2}$ SW $\frac{1}{4}$ .	
280.45 acres.	

2. The publication costs to be assessed for each parcel are estimated at \$4. The

appraised value of these parcels has not yet been determined. Interested parties may contact the Nevada Land Office or the Winnemucca District Office prior to the sale date for this information.

3. The lands will be sold subject to all valid existing rights. Reservations will be made to the United States of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

4. Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or of any State thereof, authorized to hold title to real property in Nevada.

5. Bids must be for all the land in a parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Winnemucca District Office, Bureau of Land Management, Highway Interstate 80 East, Post Office Box 71, Winnemucca, NV 89445, prior to 4 p.m. on Tuesday, September 14, 1971. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelopes must show the sale and parcel numbers and date of sale in the lower left hand corner: "Public Sale Bid, Sale N-3508, Parcel No. -----, 10 a.m., September 15, 1971."

6. The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 4:30 p.m. of the day of the sale.

7. Any parcel not sold on Wednesday, September 15, 1971, shall be reoffered on the first Wednesday of subsequent months at 10 a.m., beginning October 6, 1971.

8. Any adverse claimants to the above-described lands should file their claims, or objections, with the undersigned before the time designated for sale.

9. The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, NV 89502, or to the District Manager, Bureau of Land Management, Highway Interstate 80 East, Post Office Box 71, Winnemucca, NV 89445.

ROLA E. CHANDLER,  
Manager, Nevada Land Office.

[F.R. Doc. 70-16926; Filed, Dec. 16, 1970;  
8:47 a.m.]

[Serial No. N-4411]

## NEVADA

### Notice of Offering of Land for Sale

DECEMBER 10, 1970.

1. Notice is hereby given that under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427), 43 CFR Subpart 2720, the Secretary of the Interior will offer for sale to Humboldt County the following tract of land:

MOUNT DIABLO MERIDIAN, NEVADA

T. 37 N., R. 37 E.,  
Sec. 36, S $\frac{1}{2}$ SE $\frac{1}{4}$ .

2. The area described contains 80 acres. The land is located about 8 miles north of Winnemucca, Nev., and is planned for use as a dump site.

3. It is the intention of the Secretary to enter into an agreement with Humboldt County to permit their purchase of the land at fair market value, which has not yet been determined. The county will also be required to pay for the publication of the notice of this offering.

4. The lands will be sold subject to all valid existing rights. Reservation will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

5. Any adverse claimants should file their claims or objections with the undersigned within 30 days of the filing of this notice.

ROLA E. CHANDLER,  
Manager, Nevada Land Office.

[F.R. Doc. 70-16927; Filed, Dec. 16, 1970;  
8:47 a.m.]

[Serials Nos. N-2753, N-5015]

## NEVADA

### Notice of Offering of Land for Sale

DECEMBER 8, 1970.

Notice is hereby given that under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427), 43 CFR Part 2720, the

Secretary of the Interior will offer for sale to Humboldt County the following tracts of land:

MOUNT DIABLO MERIDIAN, NEVADA

T. 47 N., R. 30 E.,  
Sec. 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 43 N., R. 36 E.,  
Sec. 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 39 N., R. 38 E.,  
Sec. 4, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 42 N., R. 39 E.,  
Sec. 27, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 35 N., R. 40 E.,  
Sec. 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 33 N., R. 43 E.,  
Sec. 4, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The areas described aggregate 55 acres. The parcels of land are located near the small communities of Denio, Oroville, Paradise Hill, Paradise Valley, Golconda, and Valmy, Nev., and are planned for use as dump sites.

It is the intention of the Secretary to enter into an agreement with Humboldt County to permit the county to purchase the lands at their fair market value, which has not yet been determined. The county will also be required to pay the publication of the notice of this offering.

A protest to the proposed classification of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 25, T. 43 N., R. 36 E., was filed. The protest was dismissed in the initial classification decision of November 23, 1970. Sale of this parcel will be made only if there is no protest to the initial classification, or, if there is a protest, only if the Secretary of the Interior does not exercise his supervisory authority and the initial classification becomes the final order of the Secretary.

The lands will be sold subject to all valid existing rights. Reservation will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Any adverse claimants should file their claims or objections with the undersigned within 30 days of the filing of this notice.

ROLA E. CHANDLER,  
Manager, Nevada Land Office.

[F.R. Doc. 70-16928; Filed, Dec. 16, 1970;  
8:47 a.m.]

[Serial No. N-1908]

## NEVADA

### Notice of Public Sale

DECEMBER 9, 1970.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427), 43 CFR Subpart 2720, 360 acres of land will be offered for sale to the highest bidder at 10 a.m., Wednesday, May 12, 1971, at the Las Vegas District Office, 1859 North Decatur Boulevard, Las Vegas, NV 89108. The lands are more particularly described below.

MOUNT DIABLO MERIDIAN, NEVADA

T. 1 S., R. 69 E.,  
Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 7, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 18, W $\frac{1}{2}$ E $\frac{1}{2}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

The appraised value of the tract is \$9,550 and the publication costs to be assessed are estimated at \$12.

The lands will be sold subject to all valid existing rights. Reservations will be made to the United States of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or of any State thereof, authorized to hold title to real property in Nevada.

Bids must be for all the land. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, NV 89108, prior to 4 p.m. on Tuesday, May 11, 1971. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelopes must show the sale and date of sale in the lower left hand corner: "Public Sale Bid, Sale N-1908, 10 a.m., May 12, 1971."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 4:30 p.m. of the day of the sale.

If the land is not sold on Wednesday, May 12, 1971, it shall be reoffered on the first Wednesday of subsequent months at 10 a.m., beginning June 2, 1971.

Any adverse claimants to the above-described lands should file their claims, or objections, with the undersigned before the time designated for sale.

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale

under this act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, NV 89502, or to the District Manager, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, NV 89108.

ROLLA E. CHANDLER,  
Manager, Nevada Land Office.

[F.R. Doc. 70-16929; Filed, Dec. 16, 1970;  
8:47 a.m.]

[New Mexico 1624; Amdt. 2]

## NEW MEXICO

### Notice of Classification of Lands for Multiple-Use Management

DECEMBER 10, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2400 and 2460, the public lands within the areas described below are hereby classified for multiple use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (35 F.R. 15854-15855). The record showing the comments received and other information is on file and can be examined in the Albuquerque District Office, 1304 Fourth Street NW., Albuquerque, NM 87107. The public lands affected by this classification are located within the following described areas and are shown on maps designated Upper Rio Grande Planning Unit No. 01-01 on file in the Albuquerque District Office, Bureau of Land Management, 1304 Fourth Street NW., Albuquerque, NM 87107, and at the Land Office, U.S. Post Office and Federal Building, Santa Fe, NM 87501.

#### NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 9 E.,  
Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 4, lots 9, 10, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 27 N., R. 10 E.,  
Secs. 4, 10, 14, 22, and 23;  
Sec. 24, SE $\frac{1}{4}$ ;  
Sec. 25, N $\frac{1}{2}$ ;  
Sec. 26, N $\frac{1}{2}$ ;  
Sec. 27, N $\frac{1}{2}$ .

T. 29 N., R. 10 E.,  
Sec. 20;  
Sec. 25, SE $\frac{1}{4}$ ;  
Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 27, E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 28, W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 29.  
T. 24 N., R. 11 E.,  
Sec. 3, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 10, lots 1, 2, 3, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 11, lots 1, 2, 3, and 4.  
T. 25 N., R. 11 E.,  
Sec. 11, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Sec. 14, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
Sec. 23, SW $\frac{1}{4}$ ;  
Sec. 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 26 N., R. 11 E.,  
Sec. 1, lots 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 26, W $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 35, W $\frac{1}{2}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 27 N., R. 11 E.,  
Secs. 10, 14, 15, 17, 18, 19, 20, 21, and 22;  
Sec. 25, E $\frac{1}{2}$  and E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 29.  
T. 28 N., R. 11 E.,  
Sec. 4, S $\frac{1}{2}$ ;  
Secs. 5, 6, 8, and 9;  
Sec. 14, W $\frac{1}{2}$ ;  
Sec. 15, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Sec. 22;  
Sec. 23, NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 27, N $\frac{1}{2}$ .  
T. 29 N., R. 11 E.,  
Sec. 30, lots 2, 3, 4, NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 31, lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ .  
T. 27 N., R. 12 E.,  
Secs. 7 and 17;  
Sec. 18, W $\frac{1}{2}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 19, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 20, lots 1, 2, 3, 4, 5, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 29, lots 1, 2, 3, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 30, lot 1, E $\frac{1}{2}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 29 N., R. 12 E.,  
Sec. 20, lot 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 21, N $\frac{1}{2}$ .

The areas described aggregate 24,725.65 acres in Taos County.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided in 43 CFR 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

CLYDE R. DURNELL,  
Acting State Director.

[F.R. Doc. 70-16930; Filed, Dec. 16, 1970;  
8:47 a.m.]

[New Mexico 1624; Amdt. 3]

## NEW MEXICO

### Notice of Classification of Lands for Multiple-Use Management

DECEMBER 10, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2400 and 2460, the public lands within the areas described below are hereby classified for multiple use management. Publication of this notice has the effect of segregating the described lands from appropriation

only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (35 F.R. 15768). The record showing the comments received and other information is on file and can be examined in the Albuquerque District Office, 1304 Fourth Street NW., Albuquerque, NM 87107. The public lands affected by this classification are located within the following described areas and are shown on maps designated Ojo Caliente Planning Unit 01-02, Cabezón Planning Unit 01-04, Pump Planning Unit 01-06 and Huerfano Planning Unit 01-18 on file in the Albuquerque District Office, Bureau of Land Management, 1304 Fourth Street NW., Albuquerque, NM 87107, and in the Land Office, U.S. Post Office and Federal Building, Santa Fe, NM 87501.

#### NEW MEXICO PRINCIPAL MERIDIAN OJO CALIENTE PLANNING UNIT 01-02

T. 20 N., R. 9 E.,  
Sec. 2, lots 1, 2, 3, 4, 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;  
Sec. 36, lots 5, 6, 7, and 8.  
T. 20 N., R. 10 E.,  
Sec. 32.  
T. 21 N., R. 9 E.,  
Sec. 32.

#### CABEZÓN PLANNING UNIT 01-04

T. 14 N., R. 1 E.,  
Sec. 10.  
T. 15 N., R. 2 W.,  
Sec. 11, lots 1, 2, 3, 4, and S $\frac{1}{2}$ ;  
Sec. 13.  
T. 17 N., R. 3 W.,  
Sec. 34, NE $\frac{1}{4}$ .  
T. 17 N., R. 4 W.,  
Sec. 11, NE $\frac{1}{4}$ SE $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 29, S $\frac{1}{2}$ .

#### PUMP PLANNING UNIT 01-06

T. 30 N., R. 9 W.,  
Sec. 32, NW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

#### HUERFANO PLANNING UNIT 01-08

T. 25 N., R. 9 W.,  
Sec. 34, S $\frac{1}{2}$ NW $\frac{1}{4}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 26 N., R. 9 W.,  
Sec. 22, S $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The areas described aggregate 5,046.87 acres in Sandoval, San Juan, Santa Fe, and Rio Arriba Counties.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the



Interior, LLM, 721, Washington, D.C. 20240.

CLYDE R. DURNELL,  
Acting State Director.

[F.R. Doc. 70-16931; Filed, Dec. 16, 1970;  
8:47 a.m.]

[New Mexico 10622; Amdt. 1]

## NEW MEXICO

### Notice of Classification of Public Lands for Multiple-Use Management

DECEMBER 10, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2400 and 2460, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (35 F.R. 15768-15769). The record showing the comments received and other information is on file and can be examined in the Roswell District Office, Bureau of Land Management, 1902 South Main Street, Roswell, NM 88201. The public lands affected by this classification are located within the following described areas and are shown on a map designated Roswell District Planning Unit No. 06-11 on file in the Roswell District Office and in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501.

#### NEW MEXICO PRINCIPAL MERIDIAN

T. 5 S., R. 23 E.,  
Sec. 33, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 34, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and S $\frac{1}{2}$ .  
T. 10 S., R. 25 E.,  
Sec. 1, lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;  
Sec. 11, E $\frac{1}{2}$ ;  
Secs. 12 and 13;  
Sec. 14, E $\frac{1}{2}$ ;  
Secs. 23, 24, 25, and 26;  
Sec. 27, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 34, E $\frac{1}{2}$ E $\frac{1}{2}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 35, E $\frac{1}{2}$  and W $\frac{1}{2}$ W $\frac{1}{2}$ .  
T. 10 S., R. 26 E.,  
Sec. 6;  
Sec. 7, NE $\frac{1}{4}$ ;  
Secs. 18, 19, and 29;  
Sec. 30, W $\frac{1}{2}$ ;  
Sec. 31.

The areas described aggregate 9,520.01 acres, more or less, in Chaves County.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

CLYDE R. DURNELL,  
Acting State Director.

[F.R. Doc. 70-16932; Filed, Dec. 16, 1970;  
8:47 a.m.]

[Serials Nos. N-3260, N-3855, N-3856, N-818,  
N-4323, N-4527, N-4528, N-4529, N-4542,  
N-4566]

## NEVADA

### Notice of Public Sale

DECEMBER 10, 1970.

1. Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427), 43 CFR Subpart 2720, 10 parcels of land will be offered for sale to the highest bidder at 10 a.m., Wednesday, September 15, 1971, at the Las Vegas District Office, 1859 North Decatur Boulevard, Las Vegas, NV 89108. The lands are more particularly described below.

#### MOUNT DIABLO MERIDIAN, NEVADA

T. 18 S., R. 59 E.,  
PARCEL 1  
Sec. 23, NW $\frac{1}{4}$ .  
160 acres.  
PARCEL 2  
Sec. 23, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
40 acres.  
PARCEL 3  
Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
40 acres.  
PARCEL 4  
Sec. 26, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 27, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Secs. 28, 32, 33, 34, 35, all;  
Sec. 36, W $\frac{1}{2}$ , SE $\frac{1}{4}$ .  
4,830 acres.  
T. 19 S., R. 60 E.,  
PARCEL 5  
Sec. 5, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
79.56 acres.  
PARCEL 6  
Sec. 5, lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
79.60 acres.  
PARCEL 7  
Sec. 6, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
79.60 acres.  
PARCEL 8  
Sec. 6, lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
79.83 acres.  
PARCEL 9  
Sec. 6, lots 4, 5.  
76.81 acres.  
PARCEL 10  
Sec. 6, lot 7, NE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
78.72 acres.

2. The publication costs to be assessed for each parcel are estimated at \$4. The appraised value of these parcels has not yet been determined. Interested parties may contact the Nevada Land Office, Reno, or the Las Vegas District Office prior to the sale date for this information.

3. Protests and/or comments to the proposed classification of the lands in secs. 26, 27, 28, 32, 33, 34, 35, and 36, T. 18 S., R. 59 E., and secs. 5 and 6, T. 19 S., R. 60 E., were filed. These protests and/or comments were dismissed in the Notice of Classification of December 4, 1970. Sale of these parcels will be made only if there are no protests to the classification, or, if there are protests, only if the Secretary of the Interior does not exercise his supervisory authority and the classification becomes the final order of the Secretary.

4. The lands will be sold subject to all valid existing rights. Reservations will be made to the United States of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

5. Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or of any State thereof, authorized to hold title to real property in Nevada.

6. Bids must be for all the land in a parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, NV 89108, prior to 4 p.m. on Tuesday, September 14, 1971. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelopes must show the sale and parcel numbers and date of sale in the lower left hand corner: "Public Sale Bid, Sale N-3260, et al, Parcel No. -----, 10 a.m., September 15, 1971."

7. The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received the authorized officer shall declare the high

bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 4:30 a.m. of the day of the sale.

8. Any parcel not sold on Wednesday, September 15, 1971, shall be reoffered on the first Wednesday of subsequent months at 10 a.m., beginning October 6, 1971.

9. Any adverse claimants to the above described lands should file their claims, or objections, with the undersigned before the time designated for sale.

10. The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, NV 89502, or to the District Manager, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, NV 89108.

ROLLA E. CHANDLER,  
Manager, Nevada Land Office.

[F.R. Doc. 70-16933; Filed, Dec. 16, 1970;  
8:47 a.m.]

[Serial Nos. N-4990, N-5127]

## NEVADA

### Notice of Public Sale

DECEMBER 9, 1970.

1. Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427), 43 CFR Subpart 2720, seven parcels of land will be offered for sale to the highest bidder at 10:00 a.m., Wednesday, May 12, 1971, at the Carson City District Office, 807 North Plaza, Carson City, NV 89701. The lands are more particularly described below.

MOUNT DIABLO MERIDIAN, NEVADA

T. 14 N., R. 20 E.,

#### PARCEL 1

Sec. 7, SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ .  
40 acres.

T. 19 N., R. 18 E.,

#### PARCEL 2

Sec. 10, W  $\frac{1}{2}$  NW  $\frac{1}{4}$ .  
80 acres.

#### PARCEL 3

Sec. 10, E  $\frac{1}{2}$  NW  $\frac{1}{4}$ .  
80 acres.

#### PARCEL 4

Sec. 10, W  $\frac{1}{2}$  NE  $\frac{1}{4}$ .  
80 acres.

#### PARCEL 5

Sec. 10, E  $\frac{1}{2}$  NE  $\frac{1}{4}$ .  
80 acres.

#### PARCEL 6

Sec. 10, W  $\frac{1}{2}$  SW  $\frac{1}{4}$ .  
80 acres.

#### PARCEL 7

Sec. 10, N  $\frac{1}{2}$  SE  $\frac{1}{4}$ .  
80 acres.

2. The publication costs to be assessed for each parcel are estimated at \$4. The appraised value of these parcels has not yet been determined. Interested parties may contact the Nevada Land Office or the Carson City District Office prior to the sale date for this information.

3. The lands will be sold subject to all valid existing rights. Reservations will be made to the United States of rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

4. Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal. Eligible purchasers are: (1) Any individual (other than an employee, or the spouse of an employee, of the Department of the Interior) who is a citizen or otherwise a national of the United States, or who has declared his intention to become a citizen, aged 21 years or more; (2) any partnership or association, each of the members of which is an eligible purchaser, or (3) any corporation organized under the laws of the United States, or of any State thereof, authorized to hold title to real property in Nevada.

5. Bids must be for all the land in a parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Carson City District Office, Bureau of Land Management, 807 North Plaza, Carson City, NV 89701, prior to 4 p.m. on Tuesday, May 11, 1971. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs, and by a certification of eligibility, defined in the preceding paragraph. The envelopes must show the sale and parcel numbers and date of sale in the lower left hand corner: "Public Sale Bid, Sale N-4990 and 5127, Parcel No. -----, 10 a.m., May 12, 1971."

6. The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 4:30 p.m. of the day of the sale.

7. Any parcel not sold on Wednesday, May 12, 1971, shall not be reoffered on the first Wednesday of subsequent months at 10 a.m., beginning June 2, 1971.

8. Any adverse claimants to the above described lands should file their claims, or objections, with the undersigned before the time designated for sale.

9. The lands described in this notice have been segregated from all forms of appropriation, including locations under

the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, NV 89502, or to the District Manager, Bureau of Land Management, 807 North Plaza, Carson City, NV 89701.

ROLLA E. CHANDLER,  
Manager, Nevada Land Office.

[F.R. Doc. 70-16934; Filed, Dec. 16, 1970;  
8:47 a.m.]

## DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

### BATTELLE MEMORIAL INSTITUTE ET AL.

#### Notice of Applications for Duty-Free Entry of Scientific Articles

##### Correction

In F.R. Doc. 70-15641 appearing at page 17864 in the issue of Friday, November 20, 1970, the first Docket No. in the center column of page 17865 reading "Docket No. 71-00202-23-46040" should read "Docket No. 71-00202-33-46040".

#### National Bureau of Standards

### VOLUNTARY PRODUCT STANDARDS

#### Notice of Action on Proposed Withdrawal

In accordance with the provisions of § 10.12 of the Department's published "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as amended; 35 F.R. 8349 dated May 28, 1970), notice is hereby given of the withdrawal of 43 Voluntary Product Standards identified below, including 39 standards previously identified as "Simplified Practice Recommendations" (R), and four standards previously identified as "Commercial Standards" (CS). Each of these standards has been found to be obsolete, technically inadequate, no longer acceptable to and used by the industry, or otherwise not in the public interest.

Public notice of the Department's intention to withdraw these standards was published in the FEDERAL REGISTER on July 15, 1970 (35 F.R. 11304), and a 30-day period was provided for the submission of comments or objections concerning the proposed withdrawal of any of these standards. No objections to the Department's intention of withdrawing any of these standards have been received by the National Bureau of Standards.

The effective date for the withdrawal of these standards will be 60 days after the publication of this notice. This withdrawal action terminates the authority to refer to these standards as Voluntary Product Standards developed under the Department of Commerce Procedures.

R 20-28----- Steel barrels and drums,  
R 27-36----- Cotton duck,

- R 28-29 Sheet steel.
- R 30-42 Roofing ternes.
- R 36-34 Milling cutters.
- R 41-42 Agricultural insecticide and fungicide packages.
- R 45-57 Grinding wheels.
- R 48-42 Shovels, spades, scoops, and telegraph spoons.
- R 50-26 Bank checks, notes, drafts, and similar instruments.
- R 57-32 Wrought-iron and wrought-steel pipe, valves, and fittings.
- R 61-61 Ceramic tile for floors and walls.
- R 64-30 One-pound folding boxes for coffee.
- R 79-28 Malleable foundry refractories.
- R 96-28 Ice cake sizes.
- R 98-43 Photographic paper.
- R 103-33 Industrial truck and trailer solid tires.
- R 104-30 Packaging of flashlight batteries.
- R 109-29 Refrigerator ice compartments.
- R 111-30 Color for school furniture.
- R 113-30 Restaurant guest checks.
- R 134-32 Singletrees, doubletrees, and neckyokes.
- R 135-32 Wooden butter tubs.
- R 143-39 Paper cones and tubes (for textile winding).
- R 148-47 Glass containers for cottage cheese and sour cream.
- R 149-33 Sieve sizes of canned peas.
- R 152-34 Basic dimensions for cones for warp and knitting yarns and hole sizes for bobbins for filling cop winders.
- R 153-34 Hole sizes for paper tubes for filling cop winders.
- R 164-36 Tinned-steel ice-cream cans.
- R 165-36 Photographic film for miniature copies of records.
- R 170-38 Spice containers (tin and fiber).
- R 182-41 Food service equipment.
- R 186-44 Cotton canton flannels for work gloves.
- R 191-43 School tables.
- R 193-49 Packages for shortening, salad oil, and cooking oil.
- R 194-48 Cotton jersey cloth and tubing for work gloves.
- R 200-43 Paper boxes for toiletries and cosmetics.
- R 221-46 Steel rivets.
- R 225-56 Asphalt tile.
- R 255-55 Paperboard cartons for hamburger buns and wiener rolls.
- CS 24-43 Screw threads and tap drill sizes.
- CS 37-31 Steel bone plates and screws.
- CS 74-39 Solid hardwood wall paneling.
- CS 127-45 Self-contained mechanically refrigerated drinking-water coolers.

LEWIS M. BRANSCOMB,  
Director.

Approved: December 11, 1970.

RICHARD O. SIMPSON,  
Acting Assistant Secretary  
for Science and Technology.

[F.R. Doc. 70-16943; Filed, Dec. 16, 1970;  
8:48 a.m.]

## Office of the Secretary

[Dept. Organization Order 25-3B]

## OFFICE OF FOREIGN DIRECT INVESTMENTS

### Organization and Functions

The following order was issued by the Secretary of Commerce on December 4,

1970. This material supersedes the material appearing at 34 F.R. 18097 of November 8, 1969.

**SECTION 1. Purpose.** This order prescribes the organization and assignment of functions within the Office of Foreign Direct Investments (the "Office").

**SEC. 2. Organization structure.** The organization structure and line of authority within the Office shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with original of this document with the Office of the Federal Register.)

**SEC. 3. Office of the Director.** .01 The Director, as head of the Office, shall direct and be responsible for all operations of the Office.

.02 The Deputy Director shall assist the Director in the management of the Office, coordinate the activities of the divisions, and assume the functions of the Director during the latter's absence.

.03 The Assistant Director shall assist the Director by representing the Office in contacts with representatives of foreign governments and commercial and banking communities and by maintaining liaison with U.S. banking, business and trade associations and with agencies of the U.S. Government, and shall coordinate such projects and activities as the Director may assign.

.04 The Special Assistant to the Director shall perform such duties as the Director assigns.

.05 The Administrative Officer shall arrange for and facilitate the provision of administrative services from the Office of the Secretary; formulate and execute the budget of the Office; develop and maintain the internal administrative management system of the Office; and perform other specific administrative assignments as directed by the Director.

.06 The Information Officer shall provide public information services for the Office.

**SEC. 4. Research and Policy Division.** The Research and Policy Division shall:

a. Measure the effect of the Foreign Direct Investment Program on U.S. balance of payments and on relevant national indices;

b. Formulate recommendations concerning policy issues relating to the Foreign Direct Investment Program;

c. Conduct studies of foreign borrowing trends and problems associated with financing direct investment abroad, of certain industries, of particular direct investment problems, and of the relationship between the Foreign Direct Investment Program and other U.S. Government balance of payments programs, utilizing the advice and assistance of the Office of Business Economics and other interested Federal agencies as appropriate;

d. Plan, coordinate and prepare reporting forms and respective instructions; prepare special periodic internal analytical reports and special studies requested by the Director; and prepare data on the Program for publication; and

e. Provide policy input in the specific authorization, exemption, and compliance processes.

**SEC. 5. Legal Division.** .01 The Legal Division shall:

a. Provide legal advice concerning applications for specific authorization or exemption, and prepare necessary communications relative to rulings, recommendations and decision with respect thereto;

b. Participate in determinations concerning the need and appropriate format for amendments of the Foreign Direct Investment Regulations (the "Regulations") and of the Foreign Direct Investment Rules of General Practice and Procedure (the "Rules"); prepare the final text of such amendments; and take appropriate action for proper promulgation;

c. Prepare General Bulletins embodying narrative and descriptive explanation of the scope and effect of the Regulations and the Rules and current policy positions of the Office with respect thereto;

d. Render interpretive opinions to direct investors and to staff and officials of the Office, upon request, concerning application and effect of the Regulations;

e. Provide legal advice and assistance to officials of the Office, the Foreign Direct Investments Appeals Board, and the Office of the Secretary concerning issues involving or related to the Program or the administration thereof; and

f. Participate in the determination of need for reporting forms and changes in reporting forms and in the preparation of such forms.

.02 The Chief Counsel shall be the head of the Division and the chief law officer of the office, subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10-6.

**SEC. 6. Authorizations and Reports Division.** The Authorizations and Reports Division shall:

a. Review and recommend action on applications from direct investors for specific authorization or exemption;

b. Provide assistance and advice to current or potential investors regarding any problems they may have under the Regulations and to help them proceed with their investment plans within the context of goals of the Foreign Direct Investment Program;

c. Maintain central files of: Specific authorization, exemption, and compliance cases; direct investor reports regarding conditions attached to authorizations and exemptions; and certificates regarding foreign borrowing filed by direct investors;

d. Evaluate reporting forms and related instructions on the basis of problems and difficulties experienced by reporters; answer inquiries about reporting forms and instructions; monitor and assure timely receipt of reports from direct investors, and contact reporters who have not filed on time; review direct investors' reports for completeness, accuracy, validity, and potential compliance problems; evaluate reports from direct investors for consistency with specific authorizations or exemptions previously granted; and contact reporters regarding problems encountered on their reports; and

e. Process reports in an orderly manner to assure timely provision of data; arrange for computer programming and

processing of quarterly, annual, and special reports; provide data required by the Research and Policy Division in the conduct of special studies and analyses; and develop statistical and special reports with respect to specific authorizations or exemptions, and foreign borrowing certified to the Office.

**Sec. 7. Compliance division.** The Compliance Division shall:

a. Conduct routine and special audits and investigations to determine whether direct investors are complying with the requirements of the Foreign Direct Investment Program and take appropriate action;

b. Develop and present evidence in any administrative proceeding instituted for the enforcement of the Foreign Direct Investment Program;

c. Examine investigation reports and information from other sources for possible violations of the Regulations or other agency actions and prepare materials for use in connection with proceedings in the Federal Courts; and

d. Advise and assist in the preparation of forms required to be filed by direct investors and advise other divisions on general accounting matters.

**Sec. 8. Support services.** The Office of the Assistant Secretary for Administration shall provide personnel, finance, and administrative services to the Office.

Effective date: December 4, 1970.

LARRY A. JOBE,  
Assistant Secretary  
for Administration.

[F.R. Doc. 70-16944; Filed, Dec. 16, 1970;  
8:48 a.m.]

## DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 70-152]

SOUTH CHANNEL, FLA.

### Notice of Public Hearing on Proposed Bridge

Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Seventh Coast Guard District in Room 1201, Federal Building, 51 Southwest First Avenue, Miami, FL 33130. This hearing will start at 10 a.m. on January 19, 1971. Authority for this action is set forth in section 502, 60 Stat. 847, as amended, sections 4(f) and 6(g), 80 Stat. 934 and 941, as amended; 33 U.S.C. 525, 49 U.S.C. 1653(f) and 1655(g) (6) (C); and 49 CFR 1.46(c) (10) (35 F.R. 4959). The purpose of the hearing is to consider the application dated October 30, 1970, from the Mailman Development Corp. for approval of the location and plans to construct a fixed bridge across the South Channel of Three Islands Development between De Soto Waterway and the Intracoastal

Waterway at Hallandale, in Broward County, Fla.

The plans submitted by the applicant show the bridge to have clearances within the navigational spans of 19.8 feet vertical above mean low tide and 61.4 feet horizontal. These plans are available for inspection in the offices of the Commander, Seventh Coast Guard District by any interested person. All interested persons may present data, views, and comments orally, or in writing at the public hearing concerning the impact of the proposed bridge on land and water transportation, potential commercial development and on the environment, including but not limited to the impact of the bridge as it relates to recreational areas, wildlife and waterfowl refuges, public parks, and historical sites which are of National, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof. The hearing will be an informal one conducted by a representative of the Commander, Seventh Coast Guard District who will make an opening statement presenting a brief summary of the proposed structure. Interested persons will then have an opportunity to present their oral statements. Additional procedures for conduct of the hearing will be announced at the hearing. A transcript of the hearing will be made and anyone may buy a copy of the transcript from the reporting service. Interested persons who are unable to attend this hearing may also participate in this consideration by submitting written data, views, arguments, or comments as they may desire on or before February 1, 1971. All submissions should be made in writing to the Commander, Seventh Coast Guard District, Federal Building, Miami, Fla. 33130. It is requested that each submission state the subject to which it is directed, the reason for any recommendations and the name, address and firm or organization, if any, of the person making the submission. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District. After the time set for the submission of comments by the interested parties, the Commander, Seventh Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Commandant, U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: December 14, 1970.

C. R. BENDER,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 70-17052; Filed, Dec. 16, 1970;  
8:52 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 60-336]

### CONNECTICUT LIGHT & POWER CO. ET AL.

#### Notice of Issuance of Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated December 11, 1970, the Director of the Division of Reactor Licensing has issued Construction Permit No. CPPR-76 to The Connecticut Light & Power Co., The Hartford Electric Light Co., The Western Massachusetts Electric Co., and The Millstone Point Co., for the construction of a pressurized water nuclear reactor at the applicants' site on the north shore of Long Island Sound and on the east side of Niantic Bay, in the town of Waterford, Conn. The reactor is designed for initial operation at approximately 2,560 thermal megawatts.

A copy of the Initial Decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of Construction Permit No. CPPR-76 are also on file in the Commission's Public Document Room or may be obtained upon request addressed to Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 11th day of December 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,  
Division of Reactor Licensing.

[F.R. Doc. 70-16896; Filed, Dec. 16, 1970;  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 14235; Order 70-12-60]

AIR WEST, INC., ET AL.

### Order Regarding Promotional Area- Fare Tariffs for Foreign Visitors

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of December 1970.

On November 9, 1970, Hughes Air Corp. doing business as Air West, Inc., on behalf of itself and certain other air carriers<sup>1</sup> filed with the Board an amendment of an existing agreement concerning the "Visit USA" tariff. The existing agreement was first approved by Order E-19961, on August 29, 1963, and by subsequent amendments the carriers have continued this agreement in effect

<sup>1</sup> Alaska Airlines, Inc.; Allegheny Airlines, Inc.; Frontier Airlines, Inc.; Mohawk Airlines, Inc.; North Central Airlines, Inc.; Ozark Air Lines, Inc.; Piedmont Airlines; Southern Airways, Inc.; Texas International Airlines, Inc.

through December 31, 1970.<sup>2</sup> By the instant amendment the carriers would extend the expiration date on the current "Visit USA" tariff for 1 year, to December 31, 1971, and would change the name of Air West, Inc., to Hughes Air Corp. doing business as Air West, Inc.<sup>3</sup>

In view of the nature of this amendment, and for the same reasons as were stated by the Board in Order E-19961, the Board does not find Agreement CAB 17281-A7 to be adverse to the public interest or in violation of the Act.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof:

*It is ordered, That:*

1. Agreement, CAB 17281-A7 is approved.

2. Any air carrier party to the agreement, or any interested person, may within 10 days from the date of service of this order submit statements in writing containing reasons deemed appropriate, together with supporting data in support of or in opposition to the Board's action herein. An original and 19 copies of the statement should be filed with the Board's Docket Section. The Board may, upon consideration of any statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[F.R. Doc. 70-16972; Filed, Dec. 16, 1970;  
8:50 a.m.]

## FEDERAL MARITIME COMMISSION

[Docket No. 70-48]

### HAPAG-LLOYD AKTIENGESELLSCHAFT

#### Order To Show Cause Regarding Publication of Discriminatory Rates

Hapag-Lloyd Aktiengesellschaft (Hapag-Lloyd) is a common carrier by water in the foreign commerce of the United States operating, inter alia, in the trade between U.S. Atlantic ports and Continental European ports in the Hamburg/Bremen/Bremerhaven (HBB) range. A review of certain rates in the trade including the major moving commodities reveals that significant disparities exist between export and import rates of Hapag-Lloyd (Attachment).<sup>2</sup> Despite the fact that Hapag-Lloyd offers a

transportation service in both directions of the U.S. Atlantic/HBB trade area, the lower rates are applicable to the commodities concerned only if they are carried in a westbound direction. Therefore this carrier charges significantly different rates for what appear in all respects to be like services differing only in directional movement. Thus shippers of like traffic will not enjoy the same or even approximately equivalent rates and, specifically, American exporters will be charged rates significantly higher than their European counterparts.

The Commission is aware of no transportation circumstances or conditions which would justify the maintenance by Hapag-Lloyd of discriminatory rates in the manner described especially since they may very likely require that the American exporter compensate for any losses that may occur because of the decline in revenues accruing to the carrier.

Section 17 of the Shipping Act, 1916, provides in pertinent part that " \* \* \* no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers \* \* \*. Whenever the Commission finds that any such rate, fare, or charge, is demanded, charged or collected it may alter the same to the extent necessary to correct such unjust discrimination \* \* \* and make an order that the carrier shall discontinue demanding, charging, or collecting any such unjustly discriminatory \* \* \* rate, fare, or charge." Therefore, in the Commission's opinion, unless Hapag-Lloyd can offer valid reasons which would justify these rates, Hapag-Lloyd is charging rates which must be considered to be unjustly discriminatory between shippers in violation of section 17 of the Shipping Act, 1916, 46 U.S.C. 816.

Now therefore, it is ordered, Pursuant to sections 22 and 17 of the Shipping Act, 1916, That Hapag-Lloyd be named respondent in this proceeding and that it be ordered to show cause why the Commission should not order the unjust discrimination existing in its export/import rate structures as set forth in the Attachment to be eliminated by increasing rates in its westbound services to the level of its eastbound rates, or by reducing the comparable rates charged by Hapag-Lloyd in its eastbound services, or by changing rates in both directions so as to eliminate rate disparities on the commodities in question.

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda of law, replies, and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before December 31, 1970. Affidavits of fact and memoranda of law shall be filed by respondent and served

upon all parties no later than the close of business December 31, 1970. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business January 15, 1971. Oral argument will be scheduled at a later date.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondent.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business December 21, 1970.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-16973; Filed, Dec. 16, 1970;  
8:49 a.m.]

[Docket No. 70-49]

### SEA-LAND SERVICE, INC.

#### Order To Show Cause Regarding Publication of Discriminatory Rates

Sea-Land Service, Inc. (Sea-Land) is a common carrier by water in the foreign commerce of the United States operating, inter alia, in the trade between U.S. Atlantic ports and Continental European ports in the Hamburg/Bremen/Bremerhaven (HBB) range. A review of certain rates in the trade including the major moving commodities reveals that significant disparities exist between export and import rates of Sea-Land (Attachment).<sup>2</sup> Despite the fact that Sea-Land offers a transportation service in both directions of the U.S. Atlantic/HBB trade area, the lower rates are applicable to the commodities concerned only if they are carried in a westbound direction. Therefore this carrier charges significantly different rates for what appear in all respects to be like services differing only in directional movement. Thus shippers of like traffic will not enjoy the same or even approximately equivalent rates and, specifically, American exporters will be charged rates significantly higher than their European counterparts.

The Commission is aware of no transportation circumstances or conditions which would justify the maintenance by Sea-Land of discriminatory rates in the manner described especially since they may very likely require that the American exporter compensate for any losses

<sup>2</sup>Filed as part of the original document.

<sup>2</sup>Orders E-21851 (Feb. 26, 1965); E-22975 (Dec. 7, 1965); E-24503 (Dec. 9, 1966); E-25100 (Dec. 11, 1967); 68-11-19 (Nov. 5, 1968), and 69-10-58 (Oct. 13, 1969).

<sup>3</sup>The amended agreement is published in Rule 255(B) of Airline Tariff Publishers, Inc., Local and Joint Passenger Rules Tariff No. PR-6, CAB No. 142 (formerly published in the Visit USA Fares Tariff No. VUSA-1, CAB No. 77).

<sup>4</sup>Filed as part of the original document.



that may occur because of the decline in revenues accruing to the carrier.

Section 17 of the Shipping Act, 1916, provides in pertinent part that " \* \* \* no common carrier by water in foreign commerce shall demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers \* \* \*. Whenever the Commission finds that any such rate, fare, or charge, is demanded, charged or collected it may alter the same to the extent necessary to correct such unjust discrimination \* \* \* and make an order that the carrier shall discontinue demanding, charging, or collecting any such unjustly discriminatory \* \* \* rate, fare, or charge." Therefore, in the Commission's opinion, unless Sea-Land can offer valid reasons which would justify these rates, Sea-Land is charging rates which must be considered to be unjustly discriminatory between shippers in violation of section 17 of the Shipping Act, 1916, 46 U.S.C. 816.

Now therefore, it is ordered, Pursuant to sections 22 and 17 of the Shipping Act, 1916, That Sea-Land be named respondent in this proceeding and that it be ordered to show cause why the Commission should not order the unjust discrimination existing in its export/import rate structures as set forth in the attachment to be eliminated by increasing rates in its westbound services to the level of its eastbound rates, or by reducing the comparable rates charged by Sea-Land in its eastbound services, or by changing rates in both directions so as to eliminate rate disparities on the commodities in question.

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda of law, replies, and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before December 31, 1970. Affidavits of fact and memoranda of law shall be filed by respondent and served upon all parties no later than the close of business December 31, 1970. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business January 15, 1971. Oral argument will be scheduled at a later date.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondent.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business December 21, 1970.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

[SEAL]

FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-16958; Filed, Dec. 16, 1970;  
8:49 a.m.]

#### ALAMAR NORTE RATE AGREEMENT

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Neal M. Mayer, Esq., Coles & Goertner, 1000 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 9915, between Cia. de Navegacao Lloyd Brasileiro, Cia. Anonima Naviera Orinoco, S.A. (Cano), and Cia. Agropecuaria Y Maritima Santa Rosa Ltda. (Lineas Agromar), covers the institution of an arrangement to be known as the "Alamar Norte Rate Agreement" for the establishment of rates and charges, and rules and regulations governing the application thereof, for the transportation of cargo in the trades between the River Plate, Brazil, Venezuela, Colombia, and Puerto Rico, either direct or via transshipment, under terms and conditions set forth in the agreement.

Dated: December 14, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-16961; Filed, Dec. 16, 1970;  
8:49 a.m.]

#### AMERICAN MARITIME ASSOCIATION ET AL.

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Robert N. Kharasch, Esq., Galland, Kharasch, Calkins & Brown, Canal Square, 1054 31st Street NW., Washington, DC 20007.

Agreement No. 9913, a cooperative working arrangement between American Maritime Association (AMA), States Marine Lines, Inc. (SML), and United States Lines, Inc. (USL), has been filed for section 15 approval pursuant to the Commission's decision in Docket No. 70-17. The subject agreement is a stipulation agreed to by the parties during administrative proceedings before the Maritime Subsidy Board of the Maritime Administration. The stipulation provided that USL (1) would not seek or accept operating differential subsidy for military carryings whether on break bulk or containership, and (2) would seek to have included in any new operating differential subsidy agreement granted as a result of the then pending application, a formula for abatement of operating

differential subsidy similar to that for domestic intercoastal service. SML and AMA agreed that they (3) would withdraw from the proceedings then before the Maritime Subsidy Board with respect to operating differential subsidy for both break bulk and containership service, and (4) would not oppose any use by USL of any nonsubsidized vessel in any non-subsidized service.

Dated: December 14, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-16960; Filed, Dec. 16, 1970;  
8:49 a.m.]

# CIA. DE NAVEGACAO LLOYD BRASILEIRO ET AL.

## Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

### Notice of agreement filed by:

Neal M. Mayer, Esq., Coles & Goertner, 1000 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 9916, between Cia. de Navegacao Lloyd Brasileiro, Cia. Anonima Naviera Orinoco S.A. (Cano), and Cia. Agropecuaria Y Maritima Santa Rosa Ltda. (Lineas Agromar), covers an arrangement for the alternation and spacing of sailings in the berth service of these carriers in the trades between

the River Plate, Brazil, Venezuela, Colombia, and Puerto Rico, in accordance with the terms and conditions set forth in the agreement.

Dated: December 14, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-16962; Filed, Dec. 16, 1970;  
8:49 a.m.]

# CHUN KYUNG SHIPPING CO., LTD., AND SHOWA SHIPPING CO., LTD.

## Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

### Notice of agreement filed by:

Mr. M. Kishi, Manager, Container Operations Section, Liner Department, Showa Shipping Co., Ltd., Muromachi Building, 1, 4-Chome, Nihonbashi-Muromachi, Chuo-ku, Tokyo, Japan.

Agreement No. 9764-1 modifies the basic transshipment Agreement 9764, between the two carriers listed above, by adjusting the amount of the through rate which is payable to Chun Kyung in connection with the transportation of cargo between Korea and the Pacific Coast of the United States under through bills of lading issued by Showa.

Dated: December 14, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-16963; Filed, Dec. 16, 1970;  
8:49 a.m.]

# KOREA MARINE TRANSPORT CO., LTD., AND SHOWA SHIPPING CO., LTD.

## Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

### Notice of agreement filed by:

Mr. M. Kishi, Manager, Container Operations Section, Liner Department, Showa Shipping Co., Ltd., Muromachi Building, 1, 4-Chome, Nihonbashi-Muromachi, Chuo-ku, Tokyo, Japan.

Agreement No. 9765-1 modifies the basic transshipment Agreement 9765, between the two carriers listed above by adjusting the amount of the through rate which is payable to Korea Marine in connection with the transportation of cargo between Korea and the Pacific Coast of the United States under through bills of lading issued by Showa.

Dated: December 14, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-16964; Filed, Dec. 16, 1970;  
8:49 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP71-156]

### COLUMBIA GULF TRANSMISSION CO. AND TEXAS GAS TRANSMISSION CORP.

#### Notice of Application

DECEMBER 9, 1970.

Take notice that on December 4, 1970, Columbia Gulf Transmission Co. (Columbia Gulf), 3805 West Alabama Avenue, Houston, TX 77027, and Texas Gas Transmission Corp. (Texas Gas), 3800 Frederica Street, Owensboro, KY 42301, filed in Docket No. CP71-156 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicants to perform a transportation service for Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, applicants propose to transport through their jointly-owned pipeline system in the Eugene Island Area, offshore Louisiana, 20,548 Mcf of gas per day under a long-term contract with Michigan Wisconsin. Michigan Wisconsin has contracted to purchase the gas from the Eugene Island Block 273 Field and will cause it to be delivered to applicants at Block 273 for redelivery to Michigan Wisconsin at Eugene Island Block 250.

Applicants state that the rate for the offshore transportation is a monthly demand charge of 61 cents per Mcf of contract demand. No new facilities will be required for the proposed service.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 4, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition

for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-16900; Filed, Dec. 16, 1970;  
8:45 a.m.]

[Docket No. RP71-49]

### TEXAS EASTERN TRANSMISSION CORP.

#### Notice of Proposed Changes in Rates and Charges

DECEMBER 9, 1970.

Take notice that Texas Eastern Transmission Corp. (Texas Eastern) on November 30, 1970, tendered for filing proposed rate changes in its FPC Gas Tariff, Second Revised Volume No. 1 to become effective on January 1, 1971. The proposed rate changes would increase Texas Eastern's total annual revenues by approximately \$196,000.

Texas Eastern states that these changes reflect increases in the cost of purchased gas arising from an amended rate filing by Southern Natural Gas Company (Southern) on November 20, 1970, in Docket No. RP70-38, to become effective after suspension on January 1, 1971.

Copies of the filing were served on Texas Eastern's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-16901; Filed, Dec. 16, 1970;  
8:45 a.m.]

## FEDERAL RESERVE SYSTEM

### FEDERAL OPEN MARKET COMMITTEE

#### Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive is-

sued at its meeting held on September 15, 1970.<sup>1</sup>

The information reviewed at this meeting suggests that real economic activity, which edged up slightly in the second quarter, is expanding somewhat further in the third quarter, led by an upturn in residential construction. Wage rates generally are continuing to rise at a rapid pace, but improvements in productivity appear to be slowing the rise in costs, and some major price measures are rising less rapidly than before. Interest rates declined in the last half of August, but most yields turned up in early September, as credit demands in securities markets have continued heavy; existing yield spreads continue to suggest concern with credit quality. The money supply rose rapidly in the first half of August but moved back down through early September. Bank credit expanded sharply further in August as banks continued to issue large-denomination CDs at a relatively rapid rate, while reducing their reliance on the commercial paper market after the Board of Governors acted to impose reserve requirements on bank funds obtained from that source. The balance of payments deficit on the liquidity basis diminished somewhat in July and August from the very large second-quarter rate, but the deficit on the official settlements basis remained high as banks repaid Euro-dollar liabilities. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to orderly reduction in the rate of inflation, while encouraging the resumption of sustainable economic growth and the attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, the Committee seeks to promote some easing of conditions in credit markets and moderate growth in money and attendant bank credit expansion over the months ahead. System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining bank reserves and money market conditions consistent with that objective.

By order of the Federal Open Market Committee, December 9, 1970.

ARTHUR L. BROIDA,  
Deputy Secretary.

[F.R. Doc. 70-16903; Filed, Dec. 16, 1970;  
8:45 a.m.]

### MARINE MIDLAND TRUST COMPANY OF CENTRAL NEW YORK

#### Order Approving Merger of Banks

In the matter of the application of Marine Midland Trust Co. of Central New York for approval of merger with Marine Midland Trust Co. of the Mohawk Valley.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Marine Midland Trust Co. of Central New York, Syracuse, N.Y. (Marine Midland-Syracuse), a member State bank of the Federal Reserve System, for the Board's prior approval of the merger

<sup>1</sup> The Record of Policy Actions of the Committee for the meeting of Sept. 15, 1970, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

of that bank and Marine Midland Trust Co. of the Mohawk Valley, Utica, N.Y. (Marine Midland-Utica), under the charter of Marine Midland-Syracuse and with the name Marine Midland Bank-Central. As an incident to the merger the 15 offices of Marine Midland-Utica would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

In accordance with the Act, the Board requested reports on the competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Marine Midland-Syracuse (deposits \$251 million) and Marine Midland-Utica (deposits \$196 million) are subsidiaries of Marine Midland Banks, Inc., Buffalo, N.Y., a registered bank holding company, which owns approximately 99 percent of the outstanding stock of each bank. The holding company acquired control of Marine Midland-Syracuse in 1951 and of Marine Midland-Utica in 1954. The banks serve separate markets, their main offices are 50 miles apart and closest offices are situated approximately 35 miles from each other. The proposed merger represents an internal reorganization of the banks undertaken to effect economies in their operations and to alleviate personnel shortages.

The merger of Marine Midland-Syracuse and Marine Midland-Utica would not eliminate existing or potential competition. The financial and managerial resources and prospects of the merging banks and the resulting bank are satisfactory and consistent with approval of the application. Consummation of the proposed merger would enable the resulting bank to better serve customers in the Syracuse and Utica markets by making available to them increased lending limits and more convenient access to international banking services. Convenience and needs considerations are, therefore, consistent with approval of the application. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the findings summarized above, that said application be and hereby is approved; *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to designated authority.

By order of the Board of Governors,<sup>1</sup>  
December 10, 1970.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[F.R. Doc. 70-16904; Filed, Dec. 10, 1970;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[812-2808]

### AMERICAN GENERAL BOND FUND, INC., AND AMERICAN GENERAL INSURANCE CO.

#### Notice of Application for Exemption

DECEMBER 4, 1970.

Notice is hereby given that American General Bond Fund, Inc. (Fund), a registered, closed-end, diversified management, investment company and American General Insurance Co. (Insurance), 2727 Allen Parkway, Houston, TX 77002 (referred to collectively with Fund as Applicants), have filed an application

\*Voting for this action: Vice Chairman Robertson and Governors Mitchell, Malcol, and Sherrill. Absent and not voting: Chairman Burns and Governors Deane and Brimmer.

for an exemption from section 17(d) of the Investment Company Act of 1940 (Act), and pursuant to section 17(b) of the Act for an order exempting the transaction described below from the provisions of section 17(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicants state that Fund's investment objective is to seek interest income with conservation of capital through investing solely in a diversified portfolio of nonconvertible debt securities. Fund's investment adviser is American General Management Company (Adviser) which is a wholly owned subsidiary of Insurance.

Subsequent to the filing of a Form S-4 Registration Statement under the Securities Act of 1933 but prior to the registration statement's effective date, which was October 14, 1970, Insurance purchased certain bonds, described below, having a par value of \$10,280,000.00 at a cost of \$10,346,324.57. Applicants state that Fund proposes to acquire an option from Insurance pursuant to which Fund has the right but not the obligation to purchase for a period of 30 days from the date that the Commission enters the order herein requested any or all of the bonds acquired by Insurance. The bonds subject to this option are described as follows:

Description	Par	Unit price to Insurance	Total cost to Insurance	Purchase date(s)	Moody's ratings
Arkansas Louisiana Gas Co., 1st mortgage bonds, 9 3/4 percent due Sept. 10, 1990.	500 M	\$2.77	\$500,633.32	Sept. 10, 1970.....	A.
Arkansas Power & Light Co., 1st mortgage bonds, 9 3/4 percent due Aug. 1, 1990.	500 M	192.75	518,629.33	Aug. 21, 1970 and Sept. 4, 1970.	A.
Westinghouse Electric Corp., debentures, 8 3/4 percent due Sept. 1, 1975.	225 M	22.75	549,812.55	Aug. 27, 1970 to Sept. 4, 1970.	A.
Central Illinois Light Co., 1st mortgage bonds, 9 3/4 percent due Aug. 1, 1990.	500 M	192.45	516,456.63	Aug. 20, 1970 to Aug. 31, 1970.	Aa.
Central Louisiana Electric Co., 1st mortgage bonds, 9 3/4 percent due Sept. 1, 1990.	500 M	190.32	502,599.62	Aug. 27, 1970 to Sept. 4, 1970.	A.
Georgia Power Co., 1st mortgage bonds, 8 3/4 percent due Sept. 1, 1990.	500 M	190.787	509,410.23	Sept. 14, 1970.....	Aa.
The Goodyear Tire & Rubber Co., sinking fund bonds, 8.60 percent due Sept. 29, 1975.	570 M	190.00	570,179.17	Sept. 22, 1970 to Sept. 23, 1970.	A.
Hawaiian Telephone Co., 1st mortgage bonds, 8 3/4 percent due Sept. 1, 1990.	500 M	19.23	436,493.05	Aug. 27, 1970.....	Aa.
Illinois Central Equipment Trust Certificates, 9 1/2 percent due Sept. 1, 1975.	750 M	190.00	751,781.25	Sept. 1, 1970.....	A.
International Harvester Co., sinking fund bonds, 8 3/4 percent due Sept. 1, 1975.	425 M	19.75	425,451.85	Sept. 1, 1970 to Sept. 4, 1970.	A.
Jones & Laughlin Steel Corp., bonds, 9 3/4 percent due Apr. 1, 1975.	500 M	83.50	419,491.51	Sept. 11, 1970.....	Baa.
Mississippi Power & Light Co., 1st mortgage bonds, 9 3/4 percent due Aug. 1, 1990.	335 M	191.333	394,637.09	Aug. 31, 1970 and Sept. 9, 1970.	A.
Norton Co., sinking fund bonds, 9 percent due Sept. 1, 1975.	500 M	190.00	520,600.00	Sept. 10, 1970.....	A.
Potomac Electric Power Co., bonds, 9 1/2 percent due Aug. 15, 1995.	500 M	191.675	513,291.59	Sept. 4, 1970.....	A.
Public Service Co. of Colorado, 1st mortgage bonds, 8 3/4 percent due Sept. 1, 1990.	500 M	19.125	457,559.45	Aug. 27, 1970 to Sept. 10, 1970.	Aa.
Pullman Equipment Trust Certificates, 10 percent due June 15, 1975.	500 M	193.50	529,627.78	Aug. 31, 1970.....	A.
Quaker State Oil Refining Corp., sinking fund debentures, 9 percent due Aug. 1, 1975.	500 M	190.53	603,800.00	Aug. 27, 1970.....	A.
Ryder System, Inc., bonds, 11 3/4 percent due July 1, 1990.	500 M	192.75	529,453.33	Aug. 6, 1970.....	Baa.
U.S. Department of Agriculture, FHA insured notes, 8 3/4 percent due July 31, 1975.	1,000 M	190.00	1,062,166.32	Aug. 12, 1970.....	Aaa.

Applicants state that the option to Fund is irrevocable during the option period; that the option may be exercised by Fund by giving written notice to Insurance and by delivery of the purchase price of the bonds; and that the option is nontransferrable without the prior

written consent of Insurance. Applicants further state that should the option be exercised, the purchase price of the bonds will be their cost to Insurance; that Fund will not be required to pay any transfer fee; and that the purchase of any or all of the bonds will meet, at the

time of the exercise of the option, Fund's investment policies and restrictions.

Applicants state that it is the contention of Insurance that the granting of the option and the exercise thereof by Applicant will not result in the taking of a corporate opportunity of Insurance. The management of Insurance arranged for the purchase of the bonds subject to the option for the sole purpose of granting the option to the Applicant, but for which Insurance would not have otherwise purchased such bonds. Applicants state that the management of Insurance proposed to grant this option because, in their good faith business judgment, such option would, in addition to benefiting the future shareholders of Applicant, ultimately benefit the shareholders of Insurance by promoting the sale of shares of Applicant thus increasing the aggregate net asset value by Applicant and thereby increasing the management fee payable to Applicant's investment adviser, which is a wholly-owned subsidiary of Insurance. Applicants state that this anticipation is the consideration for the granting of the option to Fund. Should Fund not exercise the option, the bonds will be retained in the portfolio of Insurance subject to the investment decisions of Insurance.

Applicants state that the bonds subject to the option were fully paid for by and are owned by Insurance, and that the bonds have the type of yields and terms which Fund would have desired to acquire when they were purchased if Fund could have done so then. Applicants further state that the bonds were selected for purchase by the Executive and Finance Committee of Insurance which consists of six directors of Insurance and that if the application for exemption is granted, the Adviser will recommend and the directors of Fund not affiliated with the Adviser will determine which bonds, if any, will be acquired by Fund. Applicants represent that none of the management of Insurance will personally benefit from the proposed transaction except to the extent that they may be shareholders of Insurance or Fund, and then, in no way different from any other shareholders.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to such registered company any securities unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) if evidence establishes that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned. In addition, the proposed transaction must be consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide among other things, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as prin-

cipal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by an order of the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement, as used in Rule 17d-1 is defined as a written or oral plan, contract, authorization, or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of such person have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

Applicants have agreed that any order the Commission may issue pursuant to this notice may be conditioned upon the following:

1. Applicants will file with the Commission within 15 days after the exercise of the option, if exercised, a copy of all records with respect to the option and the subject bonds required to be kept pursuant to Rule 31a-1(b)(10) and Rule 31a-1(b)(11) promulgated under the Act; and

2. Fund will not exercise its option with respect to any bond if, at the time of the exercise, the option price is greater than the market price plus commission.

Notice is further given that any interested person may, not later than December 24, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon ECC at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further develop-

ments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,  
Recording Secretary.

[F.R. Doc. 70-16856; Filed, Dec. 16, 1970;  
8:45 a.m.]

## GENERAL SERVICES ADMINISTRATION

### NOTICE OF SOLICITATION CLOSING

The General Services Administration announced today that offers for Federal Supply Schedule contracts for automatic data processing equipment (FSC Group 74, Part VI) in response to solicitation No. FTPC-27881-N-3-2-70 for fiscal year 1971 will not be considered if received by GSA after January 11, 1971. Any offers received after that date will be returned to the offeror.

L. E. SPANGLER,  
Acting Commissioner,  
Federal Supply Service.

DECEMBER 8, 1970.

[F.R. Doc. 70-16906; Filed, Dec. 16, 1970;  
8:46 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-C, Oklahoma City Disaster No. 1]

### MANAGER, DISASTER BRANCH OFFICE, OKLAHOMA CITY, OKLA.

#### Delegation of Authority

Notice is hereby given that Delegation of Authority No. 30-C, Disaster No. 1, 35 F.R. 7836, is hereby rescinded in its entirety.

Effective date: November 2, 1970.

E. BRUCE CAFKY,  
District Director, Oklahoma City.

[F.R. Doc. 70-16946; Filed, Dec. 16, 1970;  
8:48 a.m.]

[Delegation of Authority No. 30-C, Oklahoma City Disaster No. 2]

### MANAGER, DISASTER BRANCH OFFICE, TULSA, OKLA.

#### Delegation of Authority

Notice is hereby given that Delegation of Authority No. 30-C, Disaster No. 2, 35 F.R. 8259, is hereby rescinded in its entirety.

Effective date: November 13, 1970.

E. BRUCE CAFKY,  
District Director, Oklahoma City.

[F.R. Doc. 70-16947; Filed, Dec. 16, 1970;  
8:48 a.m.]



## REGENT INVESTMENT CORP.

## Notice of Surrender of License To Operate as a Small Business Investment Corporation

Notice is hereby given that Regent Investment Corp., Walnut Creek, Calif., incorporated on December 26, 1963, under the laws of the State of California, has surrendered its license (No. 12/12-0113), issued by the Small Business Administration on March 19, 1964.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Regent Investment Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

A. H. SINGER,  
Associate Administrator  
for Investment.

[F.R. Doc. 70-16951; Filed, Dec. 16, 1970;  
8:48 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 115]

## MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 11, 1970.

The following applications are governed by Special Rule 1100.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be re-

jected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2860 (Sub-No. 88), filed November 4, 1970. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, NY 10019. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Pet, Inc., Frozen Foods Division, located at Allentown and Chambersburg, Pa., to points in North Carolina and South Carolina. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 2860 (Sub-No. 90), filed November 16, 1970. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, NY 10019. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with controlled refrigeration, from Lake City, Pa., to points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Hampshire, New Jersey, New York,

Rhode Island, Virginia, and the District of Columbia. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at either (1) New York City, N.Y.; (2) Erie, Pa.; or (3) Washington, D.C.

No. MC 8763 (Sub-No. 35), filed November 23, 1970. Applicant: SECURITY VAN LINES, INC., a corporation, 100 West Airline Highway, Kenner, LA 70062. Applicant's representative: Herbert Bursteln, 30 Church Street, New York, NY 10007. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Furniture*, between points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 15881 (Sub-No. 15), filed November 16, 1970. Applicant: FERGUSON TRANSPORTATION CO., a corporation, 445 East Seventh Street, Bloomsburg, PA 17815. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Ribbon and ribbon products*, from Berwick, Ashley, and Laffin, Pa., to points in Indiana, Illinois, Michigan, and Kentucky; (2) *Lamps, components of lamps, and lamp shades*, from Berwick, Pa., to points in Arkansas, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin and (3) *Return shipments of the commodities in (2) above and components of lamps, materials, machinery, and supplies used in the manufacture of lamps and lamp shades from the destination States in (2) above to Berwick, Pa.* Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20783 (Sub-No. 81), filed November 19, 1970. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, GA 30030. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles, distributed by meat packinghouses, and dairy products*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

bulk), in vehicles equipped with mechanical refrigeration, from the plant-site and storage facilities of Klarer Packing Co. at or near Louisville, Ky., to points in West Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Louisville, Ky.

No. MC 29910 (Sub-No. 96), filed November 16, 1970. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representatives: Thomas Harper and Don A. Smith, Kelley Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials and related materials*, from Houston, Tex., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, New York, Ohio, Pennsylvania, and Wisconsin, handling *rejected shipments* of the above commodities on return. **NOTE:** Applicant states that tacking the requested authority with its existing authority is not intended and it is willing to accept a restriction against tacking with its presently held authority under MC 29910. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 29910 (Sub-No. 97), filed November 16, 1970. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representatives: Thomas Harper and Don A. Smith, Kelley Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, other than oilfield tubing, from Bossier City, La., and Houston, Tex., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, New York, Ohio, Pennsylvania, and Wisconsin, handling *rejected shipments* of the above commodities on return. **NOTE:** Applicant states that tacking the requested authority with its existing authority is not intended and it is willing to accept a restriction against tacking with its presently held authority under MC 29910. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 35320 (Sub-No. 122), filed November 17, 1970. Applicant: TIME-DC, INC., 2598 74th Street, Post Office Box 2550, Lubbock, TX 79408. Applicant's representatives: W. D. Benson, Post Office Box 6723, Lubbock, TX 79413, and Frank M. Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) serving the plantsite of Monfort Packing Co., at or near Greeley, Colo., as an off-route point

in connection with carrier's authorized regular-route operations to and from Denver, Colo. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Denver, Colo.

No. MC 35628 (Sub-No. 316), filed November 27, 1970. Applicant: INTER-STATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville, SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, MI 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Schwitzer Division, Wallace-Murray Corp., near Rolla, Mo., as an off-route point in connection with its regular-route operations between East St. Louis, Ill., and Windsor, Mo., as authorized at sheet 2 of certificate No. MC 35628 (Sub-No. 263). **NOTE:** Applicant states it will join at the nearest joinder point on U.S. Highway 50, with service to and from all authorized points. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 52709 (Sub-No. 312) (Correction), filed October 5, 1970, published in the FEDERAL REGISTER issue of November 5, 1970, and republished in part as corrected this issue. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, CO 80216. Applicant's representative: Eugene Hamilton (same address as applicant). The purpose of this partial republication is to reflect the following changes: Part 2(d) should read "serving the intermediate point of Kingman, Ariz., for the purpose of joinder only" in lieu of "serving the intermediate point of Kingman, Ariz." Part 2(i) should read "serving the intermediate points of Austin and Ely, Nev., and Delta, Utah, for the purpose of joinder only" in lieu of "serving the intermediate points of Austin and Ely, Nev., and Delta, Utah", and Part 4(b) should read "from the plant and warehouse sites and storage yards of CF&I Corp., at or near Pueblo, Colo., over city streets or Interstate Highway 25 to junction Interstate Highway 25 and U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 50 and U.S. Highway 285, serving the junction of U.S. Highway 50 and U.S. Highway 285 for the purpose of joinder only. The rest of the application remains as previously published.

No. MC 56679 (Sub-No. 47), filed November 19, 1970. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Belding, Mich., to points in Indiana and Ohio. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary,

applicant requests it be held at Lansing, Mich., or Atlanta, Ga.

No. MC 59054 (Sub-No. 2), filed November 23, 1970. Applicant: TRI-STATE CARRIER, INC., 212 Washington Avenue, Carlstadt, NJ 07072. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inks, compounds, adhesives, paints, solvents, varnish, lacquers, dyes, materials, and supplies* used in the manufacture and sale of the above-named commodities (except commodities in bulk), from the facilities of Inmont Corp., at Bound Brook, N.J., to points in the New York, N.Y., commercial zone as defined by the Commission, points in Orange, Rockland, Nassau, Suffolk, and Westchester Counties, N.Y., and Fairfield County, Conn. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 69512 (Sub-No. 8), filed November 19, 1970. Applicant: THUNDERBIRD FREIGHT LINES, INC., 1515 South 22d Avenue, Phoenix, AR 85009. Applicant's representatives: Russell R. Sage, Suite 301, 421 King Street, Alexandria, VA 22314, and Donald E. Fernaays, 4114A North 20th Street, Phoenix, AR 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Los Angeles, Calif., and Santa Fe, N. Mex.; (a) from Los Angeles over U.S. Highway 60 to junction Interstate Highway 15, thence over Interstate Highway 15 to junction U.S. Highway 66, thence over U.S. Highway 66 (or Interstate Highway 40) to junction Interstate Highway 25, thence over Interstate Highway 25 to junction U.S. Highway 85, thence over U.S. Highway 85 to Santa Fe, and return over the same route; and (b) from Los Angeles over U.S. Highway 60 to junction Interstate Highway 15, thence over Interstate Highway 15 to junction U.S. Highway 66, thence over U.S. Highway 66 (or Interstate Highway 40), to junction U.S. Highway 95, thence over U.S. Highway 95 to junction Nevada Highway 76, thence over Nevada Highway 76 to junction Nevada Highway 77, thence over Nevada Highway 77 to junction Arizona Highway 68, thence over Arizona Highway 68 to junction U.S. Highway 93, thence over U.S. Highway 93 to junction U.S. Highway 66 (or Interstate Highway 40), thence over U.S. Highway 66 (or Interstate Highway 40) to junction Interstate Highway 25, thence over Interstate Highway 25 to junction U.S. Highway 85, thence over U.S. Highway 85 to Santa Fe, and return over the same route, serving the intermediate points of Winslow, Ariz., and Gallup, N. Mex., and those points located between Gallup and Santa Fe.

N. Mex., and all points in Los Angeles and Orange Counties, Calif., as off-route points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., Phoenix, Ariz., Gallup or Albuquerque, N. Mex.

No. MC 73688 (Sub-No. 44), filed November 18, 1970. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7182, Memphis, TN 38201. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, TN 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron soil pipe, cast iron soil pipe fittings*, including accessories not to exceed 5 percent of the shipment, from the plants of The Central Foundry Co. at Holt, Ala., to points in Tennessee, Georgia, and Florida; and (2) *scrap metals*, from points in Georgia, Florida, and Tennessee to Holt, Ala. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala.

No. MC 76032 (Sub-No. 267), filed November 19, 1970. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, castings, forgings, boiler ends or heads, guide structures, oil well drilling equipment, machinery and machinery parts*, between Ventura, Calif., and points in the continental United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Los Angeles, Calif.

No. MC 79496 (Sub-No. 5), filed November 27, 1970. Applicant: WHITE STAR VAN AND STORAGE, INC., 3324 Smith Street, Everett, WA 98201. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which, because of size or weight require the use of special equipment for the transportation thereof, or which, because of size or weight require the use of specialized equipment for loading and unloading, from Everett, Wash., to Seattle, Wash. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 89811 (Sub-No. 2), filed March 25, 1970. Applicant: LOUISVILLE AND NASHVILLE ROAD COMPANY, a corporation, 308 West Broadway, Louisville, KY 40201. Applicant's representative: Fred R. Birkholz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of ex-

traordinary value, in truckloads, having a prior or subsequent movement by rail, in service which is auxiliary to, or supplemental of, applicant's rail service, (1) between Memphis, Tenn., on the one hand, and all L&N points in Tennessee west of the Tennessee River, except Bruceton, Tenn.; (2) between Bruceton, Tenn., on the one hand, and Stanton, Jackson, and Union City, Tenn., and Paducah, Ky., on the other hand, serving all L&N rail points intermediate to Bruceton, on the one hand, and each of the other above-named points, on the other hand, including L&N rail points between Paris and McKenzie; (3) between Bruceton, Tenn., on the one hand, and Clarksville, Tenn., on the other hand, serving all intermediate L&N rail points; (4) between Bruceton, Tenn., on the one hand, and Colesburg, Tenn., on the other hand, serving all intermediate L&N rail points, including branches diverging from the L&N's Nashville-Bruceton main line; (5) between Nashville, Tenn., on the one hand, and Stevenson, Ala., on the other hand, serving all intermediate L&N rail points, including branches diverging from the L&N's Chattanooga-Nashville main line; (6) between Nashville, Tenn., on the one hand, and Conalco Junction, Tenn., on the other hand, serving all intermediate L&N rail points, including branches diverging from the L&N's Nashville-Bruceton main line; (7) between Nashville, Tenn., on the one hand, and Clarksville, Tenn., Hopkinsville, Russellville, Franklin, and Scottsville, Ky., Hartsville, and Crossville, Tenn., on the other hand, serving all intermediate L&N rail points; (8) between Nashville, Tenn., on the one hand, and Athens, Ala., on the other hand, serving all intermediate L&N rail points; (9) Between Nashville, Tenn., on the one hand, and Sheffield, Ala., on the other hand, serving all intermediate L&N rail points; (10) between Chattanooga, Tenn., on the one hand, and Murfreesboro, Tenn., on the other hand, serving all intermediate L&N points, including all points located on L&N branch lines diverging from the L&N's Chattanooga-Nashville main line; (11) between Chattanooga, Tenn., and Ringgold, Ga., serving all intermediate L&N rail points; (12) between Chattanooga, Tenn., on the one hand, and Athens, Etowah, Calhoun, Benton, Tenn., and Copperhill, Tenn., on the other hand; (13) between Knoxville, Tenn., on the one hand, and Calhoun, Tenn., on the other hand, serving all intermediate L&N rail points, including all points located on L&N branch lines diverging from the L&N's main line between Cartersville, Ga., and Knoxville, Tenn.; (14) between Knoxville, Tenn., on the one hand, and Jellico, Tenn.-Ky., on the other hand, serving all intermediate L&N rail points, including all points located on the L&N's branch line between Harriman and Dosssett, Tenn.; to, from and between any of the above points for the movement of equipment having a prior or subsequent movement by rail. **Restriction:** The above authority is restricted to the handling of traffic having a prior or subsequent movement by rail. **NOTE:** Common con-

trol may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 92633 (Sub-No. 18), filed November 27, 1970. Applicant: ZIRBEL TRANSPORT, INC., 420 28th Street North, Lewiston, ID 83501. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, WA 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap automobiles and parts; and used automobile parts*, from points in Asotin, Garfield, Whitman, Columbia, Walla Walla, Benton, and Franklin Counties, Wash., to points in Multnomah and Washington Counties, Oreg. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states that duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Spokane or Seattle, Wash.

No. MC 94350 (Sub-No. 283), filed November 23, 1970. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC 29602. Applicant's representatives: Mitchell King, Jr., Post Office Box 1628, Greenville, SC 29602, and Ames, Hill & Ames, 666 11th Street NW., Suite 705, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, and buildings in sections, from points of manufacture located at Portage, Wis., and Lawrence, Kans., to points in the United States (excluding Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 98499 (Sub-No. 10), filed November 25, 1970. Applicant: WHITE TRUCK LINE, INC., 2545 Jonesboro Road SE., Atlanta, GA 30315. Applicant's representatives: Paul M. Daniell and Alan E. Serby, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods, articles of unusual value, commodities in bulk and those requiring special equipment); (1) between Atlanta and Gainesville, Ga., via Lawrenceville and Buford, Ga., over Georgia Highways 8, 20, and 13, serving all points located within a 3-mile radius of the city limits of Gainesville, Ga.; also, serving U.S. Naval Reserve Air Training Base, Scottdale, Ga., and Clarkton, Ga., as off-route points; (2) between Atlanta and Warm Springs, Ga., via Jonesboro, Fayetteville, Senoia, Alsatton, Gay, Woodbury, and Manchester, Ga., over Georgia Highways 3, 54, 85, and 41; serving Turin, Sharpsburg, Brooks, and Woodland, Ga., as off-route

points; (3) between Jonesboro and Woodbury, Ga., via Griffin, Zebulon, Molena, and Concord, Ga., over Georgia Highways 3 and 18, with closed doors at and between Hampton and Zebulon, Ga.; (4) between Atlanta and Buford, Ga., via Georgia Highway 13 with closed doors between Doraville and Buford, Ga., also between Atlanta and Doraville, Ga., over the following routes: From Atlanta over Georgia Highway 9 to Buckhead Community; thence over old State Highway 13 to Doraville, Ga., and return over the same route, with service to all intermediate points; and (5) between Manchester, Ga., and Columbus, Ga., over Georgia Highway 85 (also U.S. 27) serving the Military Reservation at Fort Benning, Ga., as an off-route point, over Georgia Highway I (also U.S. Highways 280 and 27). **NOTE:** Applicant states that the purpose of instant application is to seek conversion of its certificates of registration into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Greenville, S.C., or Gainesville, Ga.

No. MC 98952 (Sub-No. 24), filed November 18, 1970. Applicant: GENERAL TRANSFER COMPANY, a corporation, 2880 North Woodford Street, Decatur, IL 62526. Applicant's representative: Kirkwood Yockey, Suite 501, Union Federal Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* consisting of *butter, butterfat, buttermilk, cheese* (including but not limited to cottage cheese), *cream, eggs, ice cream, margarine, milk* (fresh, condensed, evaporated, dry solids, malted, flavored) *milk beverage, oleomargarine, fruit juices, fruit drinks, and yogurt*, between Melrose Park, Ill., on the one hand, and, on the other, points in that part of Indiana on and south of U.S. Highway 30, restricted to serving the plantsites and warehouse locations of Jewel Cos., Inc., at Melrose Park, Ill. **NOTE:** Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 100666 (Sub-No. 177), filed November 21, 1970. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112, and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles, posts, piling, cross-ties, cross arms and creosoted or chemically treated lumber*, from Columbus and Meridian, Miss., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not

identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 103993 (Sub-No. 577), filed November 16, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, designed to be drawn by passenger automobiles*, in initial movements, and *buildings and sections of buildings*, from points in Perry County, Ill., to points in the United States (except Hawaii and Alaska). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at East St. Louis, Ill.

No. MC 105007 (Sub-No. 26), filed November 16, 1970. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, MN 56007. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crated and uncrated new furniture, store fixtures and furnishings*, from Albert Lea, Minn., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin; and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, from the destination States in (1) above to Albert Lea, Minn., restricted in both (1) and (2) to a transportation service to be performed in shipper owned trailers. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105045 (Sub-No. 26), filed November 18, 1970. Applicant: R. L. JEFFERIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery and related machinery tools, parts and supplies*, from Columbus, Ohio, to points in New Mexico, Colorado, Nevada, Utah, Wyoming, California, and Arizona. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 105886 (Sub-No. 15), filed November 19, 1970. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, Bessemer, PA 16112. Applicant's repre-

sentative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick panels, structural facing tile and brick*, from points in Darlington Township, Beaver County, Pa., to points in New York, New Jersey, Maryland, Delaware, Ohio, West Virginia, Indiana, Illinois, Virginia, Michigan, Kentucky, Tennessee, Missouri, Wisconsin, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 107012 (Sub-No. 111), filed November 16, 1970. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988 (Lincoln Highway East and Meyer Road), Fort Wayne, IN 46801. Applicant's representatives: Martin A. Weissert and Terry G. Fewell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and institutional furniture and fixtures and equipment*, between points in Nebraska, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states that no duplicating authority is sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr., or Washington, D.C.

No. MC 107295 (Sub-No. 472), filed November 23, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire fencing and wire products*, from Monessen, Pa., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 107295 (Sub-No. 473), filed November 23, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel*, from Cleveland, Ohio, to all points in the United States (except Alaska, California, Hawaii, Oregon, and Washington). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 107403 (Sub-No. 800), filed November 27, 1970. Applicant: MATHACK, INC., Ten West Baltimore Avenue,



Lansdowne, PA 19050. Applicant's representatives: John Nelson (same address as above), and Harry C. Ames, Jr., 666 11th Street, NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Boston, Mass., to points in the State of New York. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 716), filed November 13, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Pampa, Tex., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. Note: Applicant states that the requested authority can be tacked with its existing authority under MC 106515 (Sub-No. 507) at Gatesville, N.C., to serve points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, New Hampshire, Vermont, Massachusetts, Maine, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107576 (Sub-No. 20), filed November 9, 1970. Applicant: SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, OR 97204. Applicant's representative: Ben D. Browning (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk in tank vehicles, and commodities injurious or contaminating to other lading), between Pendleton, Oreg., and Spokane, Wash.: From Pendleton over combined Interstate Highway 80N and U.S. Highway 30 to junction Oregon Highway 32, thence over Oregon Highway 32 to the Oregon-Washington State line, thence over Washington Highway 14 to Pasco, Wash. (also from junction Oregon Highways 32 and 207 at or near Hermiston, Oreg., over Oregon Highway 207 to junction U.S. Highway 730, thence over U.S. Highway 730 to junction U.S. Highway 395) (also from Pendleton over combined U.S. Highways 730 and 395 to Pasco), and thence over combined U.S. Highway 395 and Interstate Highway 90 to Spokane, and return over the same routes, serving the off-route points of Velox, Veradale, Millwood, Trentwood, Opportunity, Dishman, and Spokane Industrial Park, Wash.; and (2) between Pendleton, Oreg., and Spokane, Wash.:

From Pendleton over Oregon Highway 11 to the Oregon-Washington State line, thence over Washington Highway 125 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Washington Highway 127, thence over Washington Highway 127 to junction U.S. Highway 195, and thence over U.S. Highway 195 to Spokane, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points. Note: Applicant states authority is also sought to operate over any combination of the routes in (1) and (2) respectively. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or Pendleton or Portland, Oreg.

No. MC 108006 (Sub-No. 18), filed November 9, 1970. Applicant: MAISLIN TRANSPORT LTD., 7401 Newman Boulevard, Lasalle 660, PQ, Canada. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum ingots*, between ports of entry on the international boundary line between the United States and Canada located at or near Champlain, N.Y., on the one hand, and, on the other, Williamsport, Pa. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 109637 (Sub-No. 373), filed November 19, 1970. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John Nelson (same address as applicant) and H. C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from the plantsite of Kentucky Asphalt Terminal Co. near Louisville, Jefferson County, Ky., to points in Indiana, Ohio, Illinois, and Kentucky. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 110686 (Sub-No. 41), filed November 25, 1970. Applicant: MCCORMICK DRAY LINE, INC., Avis, PA 17721. Applicant's representatives: David A. Sutherland or Theodore Polydoroff, 1140 Connecticut Avenue NW., Suite 1100, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Williamsport and Avis, Pa., on the one hand, and, on the other, points in Kentucky. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 224), filed November 24, 1970. Applicant: MCKENZIE TANK LINES, INC., Post Office Box 1200, New Quincy Road, Tallahassee,

FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, from the plantsite of American Cyanamid Co. at or near Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. Note: Applicant states it would be possible to tack authority sought with several authorities it now holds with origins in Florida, Georgia, and Alabama, but operations under such combinations of authorities would be extremely circuitous and applicant does not contemplate tacking with the authority here sought. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Atlanta, Ga.

No. MC 112617 (Sub-No. 283), filed November 19, 1970. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, KY 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from Mount Vernon and Evansville, Ind., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind., or Louisville, Ky.

No. MC 112822 (Sub-No. 172), filed November 18, 1970. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Thomas Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignite Char Fireplace Logs, charcoal briquettes, charcoal, lighter fluid, and barbecue grill base materials*, from Isanti, Minn., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Cheyenne, Wyo.

No. MC 113024 (Sub-No. 104), filed November 23, 1970. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Dupont Highway, Smyrna, DE 19977. Applicant's representative:



Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber hose and plastic pipe*, from Wilmington, Del., to points in Cook and Lake Counties, Ill., under contract with Electric Hose & Rubber Co. of Wilmington, Del. NOTE: Applicant has pending in MC 135046 a common carrier application therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 408), filed November 16, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies* utilized by lapidarist, between Denver, Colo.; El Monte, Harbor City, San Pedro, and Long Beach, Calif.; Elk Grove Village, Ill.; Fairfield, Hackensack, and Woodridge, N.J.; Worcester, Mass.; Houston and El Paso, Tex.; New Orleans, La.; Little Rock, Ark.; Canton, Ohio; Lemmon, S. Dak.; Williamsport, Pa.; and Tucson, Ariz., restricted to the transportation of traffic originating at or destined to the facilities of Missouri Minerals, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114290 (Sub-No. 54), filed November 18, 1970. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, OR 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (1) from Walla Walla, Wash., to points in Arizona, Nevada, and California; and (2) from points in Umatilla, Multnomah, Marion, Washington, Polk, Lane, and Benton Counties, Oreg., and Vancouver, Wash., to points in that part of California north of a line drawn east and west through Chico, Calif., and to points in Arizona and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., Seattle or Spokane, Wash.

No. MC 114486 (Sub-No. 23), filed November 16, 1970. Applicant: AUTREY F. JAMES, doing business as A. F. JAMES TRUCK LINE, 107 Lelia Street, Texarkana, TX 75501. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, AR 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products, mineral feed mixtures and materials and supplies* used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt and mineral mixtures, from plantsite and warehouse facilities of the Carey Salt Co., subsidiary of Interpace Corp., New Orleans, La., to points in Alabama, Arkansas, Mississippi, Okla-

homa, Tennessee, and Texas, under contract with Carey Salt Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., Kansas City, Mo., or Little Rock, Ark.

No. MC 114552 (Sub-No. 52) (Amendment), filed September 24, 1970, published in the FEDERAL REGISTER issue of October 15, 1970, and republished as amended this issue. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, SC 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling and moulding; and materials, supplies, and accessories* used in the installation of plywood, paneling, and moulding when moving at the same time and in the same vehicle with plywood, paneling and moulding; (1) from points in Manatee County, Fla., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and South Carolina; and (2) from points in Manatee County, Fla., to points in Florida. The purpose of this amendment is to add (2) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., Columbia, S.C., or Atlanta, Ga.

No. MC 117765 (Sub-No. 114), filed November 18, 1970. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal and charcoal in containers* and (2) *preserved food-stuffs in containers*; (1) from plantsite of Standard Milling Co., Meta, Mo., to points in Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas; and (2) from plantsite of Owatonna Canning Co., Owatonna, Minn., to points in Arkansas, Colorado, Kansas, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117068 (Sub-No. 10), filed October 14, 1970. Applicant: MIDWEST HARVESTORE TRANSPORT, INC., 2118 17th Avenue NW, Rochester, MN 55901. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seat cabs and parts* therefor, from Rochester, Minn., to Deerfield, Ill. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. Applicant also states it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at (1) Chicago, Ill., (2) Minneapolis, Minn.

No. MC 118288 (Sub-No. 28), filed November 19, 1970. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings,

MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and equipment, materials, and supplies used in the conduct of such business, from points in Indiana, Michigan, Illinois, Wisconsin, Minnesota, Missouri, Iowa, North Dakota, South Dakota, Nebraska, and Kansas, to points in Sheridan, Campbell, Johnson, and Big Horn Counties, Wyo., and Big Horn and Carbon Counties, Mont. NOTE: Applicant intends to tack with it pending Sub 33 (if granted) and all other authorized authority, at points in Montana and Wyoming, and interline with other carriers. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 118989 (Sub-No. 57), filed November 23, 1970. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53211. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products, component parts, and accessories*, (a) from Portland, Ind., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, West Virginia, and Wisconsin; (b) from Durant, Miss., to points in Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas and Wisconsin; (c) from Manchaug and Worcester, Mass., Central Falls, R.I., and Stanhope, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) *containers, container ends and accessories and materials, equipment, and supplies* used in the sale, manufacture and distribution of container and container ends, between points in those destination States as outlined in 1(c) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 118993 (Sub-No. 10), filed November 16, 1970. Applicant: L. R. McDONALD & SONS, LTD., 843 Sydney Street, Cornwall, Ontario, Canada. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household

goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the port of entry located on the United States-Canada boundary line on the Cornwall-Massena International Bridge, on the one hand, and, on the other, points in the town of Massena, N.Y. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 119573 (Sub-No. 14), filed November 18, 1970. Applicant: WATKINS TRUCKING, INC., 207 Trenton Avenue, Uhrichsville, OH 44683. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fire brick and fire brick shapes*, from points in Yellow Creek Township (Columbiana) County, Ohio, to points in Indiana, Illinois, Michigan, Kentucky, New York, New Jersey, Pennsylvania, the District of Columbia, Delaware, Maryland, Virginia, West Virginia, Wisconsin, Iowa, Minnesota, Missouri, Vermont, New Hampshire, Maine, Connecticut, Rhode Island, Massachusetts, and Tennessee; (2) *clay products*, from East Liverpool, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, and Missouri; and (3) *plastic pipe and fittings for plastic pipe*, from the warehouse facilities of Olin Corp. at Canton, Ohio, to points in Illinois, Indiana, Kentucky, New York, Pennsylvania, West Virginia, Maryland, Virginia, New Jersey, Delaware, Wisconsin, Michigan, the District of Columbia, Alabama, Arkansas, Connecticut, Iowa, Kansas, Louisiana, Maine, Massachusetts, Missouri, Nebraska, North Dakota, New Hampshire, Oklahoma, Rhode Island, South Dakota, Tennessee, Texas, North Carolina, and South Carolina. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 120978 (Sub-No. 2), filed November 23, 1970. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, ND 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, from Port Cargill, Minn., to Bloomington, Minn. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under No. MC 128217, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Fargo, N. Dak.

No. MC 123067 (Sub-No. 111) (Correction), filed November 2, 1970, published in the FEDERAL REGISTER issue November 26, 1970, and republished as corrected, this issue. Applicant: M & M TANK LINES, INC., Post Office Box 612,

Winston-Salem, NC 27102. Applicant's representative: L. H. Steele, Post Office Box 11361, Greensboro, NC 27409. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals*, in bulk, from Hollins, Va., to points in North Carolina on and east of U.S. Highway 220 from the Virginia State line to Rockingham, N.C., thence along U.S. Highway 1 to the South Carolina State line, and (2) *salt, dry*, in bulk, from points in Franklin and Roanoke Counties, Va., to points in North Carolina, and Virginia, restricted to shipments having a prior movement by rail in (1) and (2) above. **NOTE:** Applicant states that the part (2) requested authority can be tacked with its Sub 63 from Charlotte, N.C., to points in South Carolina. Common control may be involved. The purpose of this republication is to reflect U.S. Highway 1 in Part (1) above, and add Virginia as a destination State in Part (2) above. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 124078 (Sub-No. 465), filed November 23, 1970. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Charleston, W. Va., to points in Kentucky (except Lawrence, Elliott, Morgan, Magoffin, Johnson, Martin, Floyd, and Pike Counties, Ky.), and Ohio. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124090 (Sub-No. 2), filed October 16, 1970. Applicant: TRANSPORTES AZTECA, a corporation, East Blackwell Street, Dover, NJ 07801. Applicant's representative: Bernard F. Flynn, Jr., York-Flynn Building, East Blackwell Street, Dover NJ 07801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, and classes A and B explosives, between Newark, N.J., on the one hand, and, on the other, points in New Jersey, New York, Maryland, Delaware, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont, restricted to foreign commerce only originating in or destined to the Republic of Mexico. **NOTE:** Common control and dual operations may be involved. Applicant states that tacking is intended at Newark, N.J., with its presently held authority in MC 124090, wherein it conducts operations

between Newark, N.J., and Brownsville, Tex. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124796 (Sub-No. 78), filed November 23, 1970. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 1505 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air conditioning equipment, furnaces, and water heaters, and parts and accessories for air conditioning equipment, furnaces, and water heaters*, from City of Industry, Calif., to points in Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; and (2) *returned, refused, or rejected shipments of the above-described commodities and equipment, materials, and supplies used in the manufacture of air conditioning equipment, furnaces, and water heaters*, on return, from the destination States in (1) above to the City of Industry, Calif., under a continuing contract or contracts with Carrier Corp., Syracuse, N.Y. Restrictions: (1) The operations sought are to be restricted to the transportation of traffic either originating or terminating at the plantsites and storage facilities utilized by Carrier Corp., (2) The operations sought are to be restricted against the transportation of commodities in bulk and those commodities which, by reason of size or weight, require the use of special equipment. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 126111 (Sub-No. 2), filed November 16, 1970. Applicant: LYLE W. SCHAEETZEL, doing business as SCHAEETZEL TRUCKING COMPANY, 2436 Algoma Boulevard, Oshkosh, WI 54901. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sweetened condensed milk*, in bulk, in tank vehicles, for the account of The Borden Co., Inc., doing business as Galloway-West Co., from Fond du Lac, Wis., to Philadelphia, Pa. **NOTE:** Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 126149 (Sub-No. 12), filed November 20, 1970. Applicant: DENNY MOTOR FREIGHT, INC., 617 Indiana Avenue, New Albany, IN 46150. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, lawn snow removal machines, tillers, cultivators and attachments, parts and accessories therefor*, from Port Washington, Wis., to points in Alabama, Colorado, Delaware, Georgia, Indiana, Kansas, Maryland, Maine, Minnesota, Missouri, New York, New Hampshire, New Jersey, Ohio, Pennsylvania, South Carolina,

Kentucky, Texas, Virginia, Wisconsin, Arkansas, Connecticut, Florida, Iowa, Illinois, Louisiana, Michigan, Massachusetts, Mississippi, Nebraska, New Mexico, North Dakota, North Carolina, Oklahoma, Rhode Island, South Dakota, Tennessee, Vermont, West Virginia, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 126642 (Sub-No. 1), filed November 16, 1970. Applicant: BLACK HILLS MOVERS, INC., 610 East Omaha Street, Rapid City, SD 57701. Applicant's representative: Raymond K. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in South Dakota, restricted to shipments moving on the through bill of lading of a forwarder operating under section 402 (b) (2) exemption, and to shipments having an immediately prior or subsequent line-haul movement by rail, motor, water, or air. Note: If a hearing is deemed necessary, applicant requests it be held at Rapid City or Pierre, S. Dak.

No. MC 127834 (Sub-No. 59), filed November 23, 1970. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, TN 37203. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles*; (1) between Florence, Ala., Columbia, Tenn., Benton, Ky., Shelby, Mo., Madison, Ill., Murphysboro, Ill., Carrollton, Ky., Dallas, Tex., St. Louis, Mo., Mattoon, Ill., Hendersonville, N.C., Covington, Ga., North Adams, Mass., and Jackson, Miss.; and (2) between the points listed in (1) above on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Frankfort, Ky., or Louisville, Ky.

No. MC 127871 (Sub-No. 3), filed November 27, 1970. Applicant: TRANS-SUPPLY, INC., Post Office Box 210, Mercersburg, PA 17236. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Fayette, Somerset, and Westmoreland Counties, Pa., and those in Preston County, W. Va., to points in Washington, Frederick, and Carroll Counties, Md., and those in Frederick County, Pa., and Franklin County, Pa., under contract with PBS Coals, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 128007 (Sub-No. 26), filed November 20, 1970. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview

Drive, Pittsburg, KS 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Liberal, Kans., to points in Colorado, Nebraska, South Dakota, Oklahoma, Texas, Arkansas, Missouri, Iowa, Tennessee, and New Mexico. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Wichita, Kans.

No. MC 128909 (Sub-No. 14), filed November 18, 1970. Applicant: COMMODORE CONTRACT CARRIERS, INC., 8712 West Dodge Road, Suite 4000, Omaha, NE 68114. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *House trailers* designed to be drawn by passenger automobiles; *buildings*, in sections, mounted on wheeled undercarriages with hitch-ball connectors; and (b) *parts, appliances, furniture, and accessories* for the items listed in (1) (a) above, between the plantsite of Commodore Mobile Homes, Inc., of California, at Galt, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and (2) *wheels, tires, axles, and hitches*, from points in the United States (except Alaska and Hawaii) to the plantsite of Commodore Mobile Homes, Inc., of California, at Galt. Restriction: All service hereunder shall be limited to the transportation of traffic originating at or destined to the plantsites of the Commodore Corp., its subsidiaries or divisions; under continuing contracts with the Commodore Corp., its subsidiaries and/or divisions. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 129184 (Sub-No. 5), filed November 23, 1970. Applicant: KENNETH L. KELLAR, Post Office Box 449, Blaine, WA 98230. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquor, alcoholic*; (1) From West Palm Beach, Fla., to Blaine, Wash.; Alexandria Bay, Buffalo, Champlain, New York, and Ogdensburg, N.Y.; and Laredo, Tex., under contract with Todhunter International, Inc.; (2) from West Palm Beach, Fla., to Niagara Falls, N.Y.; Baltimore, Md.; Philadelphia, Pa.; and Norfolk, Va., under contract with Todhunter International, Inc.; (3) between West

Palm Beach, Fla., and New Orleans, La., under contracts with Todhunter International, Inc., and their wholly owned subsidiaries, Turret Imports, Inc., Dave Streiffer Co.; (4) from West Palm Beach, Fla., to Detroit and Fort Huron, Mich.; Duluth, Minn.; San Francisco, Calif.; and Superior, Wis., under contracts with Todhunter International, Inc., and their wholly owned subsidiary, Turret Imports, Inc.; (5) between the port of entry on the international boundary line between the United States and Canada at or near Detroit, Mich., and Blaine, Wash., under contract with Exports, Inc.; (6) between New Orleans, La., and Baltimore, Md.; Detroit, Mich.; and Laredo, Tex., under contracts with Exports, Inc., and Todhunter International, Inc., and their wholly owned subsidiary, Dave Streiffer Co.; (7) from Baltimore, Md.; to West Palm Beach, Fla., and Detroit, Mich., under contracts with Exports, Inc., and Todhunter International, Inc.; (8) from Baltimore, Md., to Port Huron, Mich.; Buffalo, Champlain, Ogdensburg, Alexandria Bay, Niagara Falls, and New York, N.Y., under contracts with Can-Am Custom Bonded Warehouse, Inc.; and (9) from the port of entry on the international boundary line between the United States and Canada at or near Detroit, Mich., to Baltimore, Md.; New Orleans, La., and Miami, Fla., under contract with Todhunter International, Inc. Note: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134194 (Sub-No. 3), filed November 9, 1970. Applicant: NORMAN C. EMERSON, Springfield, VT 05156. Applicant's representative: Edwin W. Free, Jr., 25 Keith Avenue, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motion picture films, accessories, trailers, and advertising matter*; (a) from Boston, Mass., to points in Vermont and New Hampshire; (b) between points in Vermont and New Hampshire; and (2) *motion picture film*, between points in Vermont and New Hampshire, and Boston, Mass. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Burlington, or Rutland, Vt.

No. MC 134213 (Sub-No. 5), filed November 13, 1970. Applicant: SECURITIES TRANSPORT COMPANY, INC., 722 East Roosevelt, Post Office Box 1331, Phoenix, AZ 85006. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs and medical isotopes, proofs, cuts, copy, artwork, and materials* related thereto, used in advertising, *small parts* used in the manufacture, replacement, and servicing of computer, calculator, typewriter, and photo reproduction equipment; *bank checks, binders, checkbooks, registers, and other bank stationery*, between points in Arizona, restricted to traffic having prior or

subsequent out-of-State movement by air. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 134429 (Sub-No. 3), filed November 5, 1970. Applicant: ST. PAUL TERMINAL WAREHOUSE COMPANY, INC., 444 Lafayette Road, St. Paul, MN 55101. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), between Mankato, Minn.; Cordova siding (plantsite of Minnesota Mining & Manufacturing Co. near Cordova), Ill.; Ames and Knoxville, Iowa; Alexandria, Chemolite (Minnesota Mining & Manufacturing Co. plantsite at Cottage Grove), Fairmont, Hutchinson, Lindstrom, New Ulm, and Pine City, Minn.; the Minneapolis-St. Paul, Minn., commercial zone as defined by the Interstate Commerce Commission, and Cumberland and Prairie du Chien, Wis., under contract with Minnesota Mining & Manufacturing Co. **NOTE:** If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn.

No. MC 134473 (Sub-No. 1), filed November 18, 1970. Applicant: NATIONAL TRAILER CONVOY OF CANADA, LTD., a corporation, 919A 46th Avenue SE., Calgary 24, AB, Canada. Applicant's representatives: Wayne Thompson, 1925 National Plaza, Tulsa, OK 74151, and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles and buildings in sections, mounted on wheeled undercarriages, from ports of entry on the international boundary line between the United States and Canada in Alaska, on the one hand, and, on the other, points in Alaska. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134777 (Sub-No. 6), filed November 25, 1970. Applicant: SOONER EXPRESS, INC., Post Office Box 219, Madill, OK 73446. Applicant's representative: James C. Hamill, Suite 204, Law Title Building, 325 Robert S. Kerr Avenue, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr.,

to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. **NOTE:** Applicant holds contract carrier authority in MC 87088 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Nebr., Fort Worth, Tex., or Washington, D.C.

No. MC 134777 (Sub-No. 7), filed November 25, 1970. Applicant: SOONER EXPRESS, INC., Post Office Box 219, Madill, OK 73446. Applicant's representative: James C. Hamill, Suite 204, Law Title Building, 325 Robert S. Kerr Avenue, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Pampa, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Fort Worth, Tex., or Washington, D.C.

No. MC 134777 (Sub-No. 8), filed November 25, 1970. Applicant: SOONER EXPRESS, INC., Post Office Box 219, Madill, OK 73446. Applicant's representative: James C. Hamill, Suite 204, Law Title Building, 325 Robert S. Kerr Avenue, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., and Des Moines, Iowa, to points in Georgia, North Carolina, South Carolina, and Tennessee. **NOTE:** Applicant holds contract carrier authority in MC 87088 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Fort Worth, Tex., or Washington, D.C.

No. MC 134786 (Sub-No. 2), filed November 9, 1970. Applicant: ARCHIE ALFRED MCCORMICK, Post Office Box 14, Ormstown, PQ, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, from ports of entry on the international boundary line between the United States and Canada in New York, Vermont, and New Hampshire, to points in New York, Vermont, and New Hampshire. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

No. MC 134857 (Sub-No. 1), filed November 16, 1970. Applicant: VIKING IN-

TERNATIONAL AIRFREIGHT, INC., 2289 County Road J, Minneapolis, MN 55433. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement by air, between airports at Minneapolis and Winona, Minn., and La Crosse, Wis. **NOTE:** Applicant states it is a commuter air-taxi operator. Applicant also states authority sought herein reflects a need to obtain motor carrier service at times when aircraft cannot handle the fluctuating volume of traffic or unusual size pieces. Applicant will present evidence of tonnages moved in recent periods and why motor carrier service would be necessary at certain times. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134917 (Sub-No. 2), filed November 17, 1970. Applicant: WILLIAM EDWARDS, doing business as WM. EDWARDS TRUCKING CO., Route 1, Box 153, Staunton, VA 24401. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, VA 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated building sections and component parts*, from Staunton, Va., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, and West Virginia; (2) *insulation board; lumber, dimensional; paint, in containers; plywood sheets; roofing materials; and sheathing*, building, from Baltimore, Md., to Staunton, Va.; (3) *lumber and plywood*, from points in North Carolina, to Staunton, Va.; (4) *lumber, dimensional; and plywood sheets*, from Newark, N.J., to Staunton, Va.; (5) *drywall and plasterboard*, from Camden, N.J., to Staunton, Va.; (6) *truss plates, and iron and steel*, from Hainesport, N.J., to Staunton, Va.; (7) *garage doors*, from Egg Harbor City, N.J., to Staunton, Va.; and (8) *roofing materials*, from Perth Amboy and Manville, N.J., to Staunton, Va., under contract with Knopp Bros., Inc., of Staunton, Va., restricted against the transportation of commodities in bulk, in tank vehicles. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Staunton, Va.

No. MC 134965 (Sub-No. 1), filed November 18, 1970. Applicant: LANCAS-TER CARRIERS, INC., Legislative Route 23, Blue Ball, PA 17506. Applicant's representative: Steven L. Weiman, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, from Blue Ball, Pa., to points in Delaware, Maryland (east of the Susquehanna River), and Accomack and Northampton Counties, Va., under contract with Blue Ball Stone Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Wilmington, Del.



No. MC 135055, filed October 26, 1970. Applicant: ARVID R. NELSON, doing business as NELSON'S TRUCKING, 318 Wittwer Street, Hayward, WI 54843. Applicant's representative: Thomas W. Duffy, 104 West Second Street, Hayward, WI 54843. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, chips, shavings, furniture, dowels, brush handles, and paper spools*, from Hayward, Wis., to Chicago and Moline, Ill., to points in the Upper Peninsula of Michigan, Minnesota, and Moline, East Dubuque, and Sioux City, Iowa, under contract with Donald Anderson, Hayward Wood Products Co., Inc., R. V. Doeher Lumber Co., and Hayward Dimension Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Madison or Milwaukee, Wis.

No. MC 135058 (Clarification), filed October 30, 1970, published in the FEDERAL REGISTER issue of November 26, 1970, and republished as clarified this issue. Applicant: ELECTRICAL TRANSPORT, INC., 1702 White Rock Avenue, Waukesha, WI 53186. Applicant's representative: David V. Purcell, 1902 Marine Plaza, Milwaukee, WI 53202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical power transformers, electrical distribution transformers, and accessories, parts and supplies therefore*, from Waukesha, Wis., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; (2) *steel* from Bagdad and Butler, Pa., to Waukesha, Wis.; (3) *ceramic insulators*, from Hartford, Conn., to Waukesha, Wis.; and (4) *copper wire and strip* from New Haven, Conn., and Fort Wayne, Ind., to Waukesha, Wis., under contract with Rte Corporation. The commodities in (2), (3), and (4) to be used in the manufacture or processing of the commodities named in (1) above. The purpose of this republication is to clarify the proposed operation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 135100, filed November 10, 1970. Applicant: SIGNAL TRANSPORT, INC., Post Office Box 681, LaPorte, IN 46350. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as dealt in by wholesale, retail, and chain grocery and food business houses*, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between points within the territory bounded by a line beginning at Winthrop Harbor, Ill., and extending west to South Beloit, Ill., thence in a southwesterly direction to Freeport, Ill., thence south to Galesburg, Ill., thence in a southeasterly direction to Decatur, Ill., thence east through Indianapolis, Ind., to Richmond,

Ind., thence in a northerly direction through Angola, Ind., to Jackson, Mich., thence north to Lansing, Mich., thence in a northwesterly direction to Muskegon, Mich., thence in a southwesterly direction along the shore of Lake Michigan to Chicago, Ill., and thence north to Winthrop Harbor, including the points named above. NOTE: Applicant states it presently holds the above-described authority as a motor contract carrier under permit No. MC 2310. Applicant further states that the purpose of the instant common carrier application is to seek conversion of all its contract carrier authority in said permit to that of a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135103, filed November 6, 1970. Applicant: SUPERIOR DISTRIBUTORS, INC., 900 (North North Branch Street, Chicago, IL 60622. Applicant's representative: Michael J. Levenson, 100 West Monroe Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated, packaged, and uncrated new furniture* from manufacturer to retailer, jobber, wholesaler, or distributor but not to consumer, between points in Cook County, Lake County, Du Page County, Will County, Kane County, and McHenry County, Ill., and Lake County, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135113, filed November 16, 1970. Applicant: WELLINGTON REALTY CORP., Madison, GA 30650. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street, NW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cotton or synthetic rope, twine, cord, mops and mop heads, mop handles, cotton yarn, clothes lines, venetian blind cords, winch ropes, tow bridle ropes, ski ropes, ski rope handles, and component parts, materials, and supplies* used in the manufacture and distribution of such products: (a) Between the plantsites and warehouse facilities used by Wellington Puritan Mills, Inc., at or near Athens, Ga., Madison, Ga., Elizabethton, Tenn., Hendersonville, N.C., Louisville, Ky., Stockton, Calif., and Seattle, Wash.; the Wellington Georgia Mills, Inc., at or near Whitesburg, Ga.; and the Wellington Puritan Mills of Texas, Inc., at or near West, Tex.; and (b) from the plantsites and warehouse facilities specified in (1) (a) above, to points in the United States (except Alaska and Hawaii); (2) *cotton and synthetic yarns, twine, cord and rope, sisal, fiberglass yarn, barytes (crude sulphate), mop handles, bronze or steel wire, and component parts, materials and supplies* used in the manufacture and distribution of products specified in (1) above: From points in Illinois, Missouri, Tennessee, and Mississippi, and points in that portion of the United States located east thereof, and Texas, to the plantsites and warehouse facilities used by (1) Wellington Puritan Mills, Inc., at or near

Athens, Ga., Madison, Ga., Elizabethton, Tenn., Hendersonville, N.C., and Louisville, Ky.; (2) Wellington Georgia Mills, Inc., at or near Whitesburg, Ga.; and (3) Wellington Puritan Mills of Texas, Inc., at or near West, Tex.

(3) *Plastic laminated particleboard* from the plantsite and warehouse facilities used by Wellington Forest Products, Inc., at or near Summerville, S.C., to points in Alabama, Florida, Connecticut, Georgia, Massachusetts, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, and Virginia; (4) *plastic film or sheeting* from Columbus, Ohio, Medina, Ohio, and Brooklyn, N.Y., to the plantsite and warehouse facilities used by Wellington Forest Products, Inc., at or near Summerville, S.C.; (5) *plastic webbing and plastic or synthetic yarn*, from the plantsite or warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Leesville, S.C., to points in Florida, Georgia, North Carolina, New Jersey, New York, Pennsylvania, Tennessee, and Texas; (6) *plastic resins*, from Texas and West Virginia to the plantsites and warehouse facilities used by (a) Wellington Synthetic Fibres, Inc., at or near Leesville, S.C., and Pilot Mountain, N.C.; and (b) Poly-Fibers, Inc., at or near Birmingham, Ala.; (7) *plastic or synthetic yarn*, from Odenton, Md., to the plantsite and warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Leesville, S.C.; (8) *plastic or vinyl products, vinyl coated fiberglass screening, outdoor furniture plastic webbing, plastic reweb kits and renew kits therefor*, with or without clips or screws, from the plantsite and warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Paterson, N.J., to points in the United States (except Alaska and Hawaii); (9) *synthetic yarns*, from Odenton, Md., and Pawtucket, R.I., to the plantsite and warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Paterson, N.J.; (10) *vinyl sheet or sheeting*, from Avenel, N.J., and Hickory, N.C., to the plantsite and warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Paterson, N.J.

(11) *Synthetic yarn, synthetic rope, extruded vinyl products and vinyl coated wire cable*, from the plantsite and warehouse facilities used by Wellington Synthetic Fibres, Inc., at or near Pilot Mountain, N.C., to points in the United States (except Alaska and Hawaii); (12) *synthetic yarn and rope* from the plantsite and warehouse facilities used by Poly-Fibers, Inc., at or near Birmingham, Ala., to points in Alabama, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, and South Carolina; (13) *office supplies* and corrugated fiberboard boxes between the plantsites and warehouse facilities used by Wellington Synthetic Fibres, Inc., and Poly-Fibers, Inc., located at or near Leesville, S.C., Paterson, N.J., Pilot Mountain, N.C., and Birmingham, Ala.; (14) *books* between the plantsites and warehouse facilities used by Wellington Book Co., Inc., at or near East Rutherford, N.J., and Wellington Book-West, Inc., at or near Montebello, Calif.; and between such



plantsites and warehouse facilities, on the one hand, and, on the other, points in California, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, New York, New Jersey, Pennsylvania, Ohio, Tennessee, Texas, and Virginia and (15) *Aluminum foil* from the plantsite and warehouse facilities used by Wellington Films & Foils, Inc., at or near Englewood, N.J., to points in California, Kentucky, and Virginia, under contract with Wellington Puritan Mills, Inc., Wellington Georgia Mills, Inc., Wellington Puritan Mills of Texas, Inc., Wellington Forest Products, Inc., Wellington Synthetic Fibres, Inc., Poly-Fibers, Inc., Wellington Book Co., Inc., Wellington Book-West, Inc., and Wellington Films & Foils, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

#### MOTOR CARRIER OF PASSENGERS

No. MC 3700 (Sub-No. 64), filed November 17, 1970. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, Route 46, East Paterson, NJ 07407. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, NY 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip special operations, during the authorized racing seasons at Monticello Raceway, Monticello, N.Y., beginning and ending at points in Morris and Passaic Counties, N.J., and extending to Monticello Raceway, Monticello, N.Y. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 109148 (Sub-No. 24), filed November 27, 1970. Applicant: LAS VEGAS-TONOPAH-RENO STAGE LINE, INC., 922 East Stewart Avenue, Post Office Box 1600, Las Vegas, NV 89101. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers* in the same vehicle with passengers, (1) between Scotty's Junction, Nev., and Furnace Creek, Calif., from Scotty's Junction over Nevada Highway 72 to Death Valley National Monument, Calif., thence over unnumbered road to junction California Highway 190, thence over California Highway 190 to Furnace Creek, and return over the same route, serving all intermediate points; (2) between Shoshone, Calif., and Furnace Creek, Calif., from Shoshone over California Highway 127 to junction California Highway 178, thence over California Highway 178 and unnumbered road to Furnace Creek, and return over the same route, serving all intermediate points; and (3) between Shoshone and Death Valley Junction, Calif., over California Highway 127, serving all intermediate points. NOTE: If a hearing is deemed

necessary, applicant requests it be held at Las Vegas, Nev.

No. MC 127300 (Sub-No. 1), filed November 2, 1970. Applicant: MT. KISCO BUS LINES, INC., Union Valley Road, Rural Delivery 2, Lake Mahopac, NY. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, NY 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Passengers and their baggage*, commencing at the bus terminal on Central Avenue and Main Street, White Plains, NY, then proceeding on Main Street to North Broadway; on North Broadway to South Armory Place; on South Armory Place to Westchester Avenue; on Westchester Avenue to Anderson Hill Road; on Anderson Hill Road to the New York State-Connecticut border; continuing on Anderson Hill Road to King Street, Greenwich, Conn., proceeding north along King Street to the New York State border; continuing on King Street within the State of New York to the Connecticut border, continuing on King Street in the State of Connecticut to Old Lake Street; on Old Lake Street to the New York State-Connecticut border being an entrance to the Westchester County Airport within the State of New York; then continuing north on New York Highway 120 in the town of North Castle, N.Y., to New York Highway 22; proceeding on New York Highway 22 to New York Highway 128; continuing on New York Highway 128 to East Main Street in the Village of Mount Kisco, N.Y., on East Main Street to Green Street; on Green Street to South Moger Avenue; on South Moger Avenue to Main Street; on Main Street which becomes New York Highway 133; continuing along New York Highway 133 to Seven Bridges Road; on Seven Bridges Road to Saw Mill River Road; on Saw Mill River Road to New York Highway 118; on New York Highway 118 to Underhill Avenue in Yorktown Heights, N.Y., on Underhill Avenue to Commerce Street; on Commerce Street to New York Highway 118; on New York Highway 118 to Broad Street; on Broad Street to Granite Spring Road; on Granite Spring Road to Gomer Street; on Gomer Street to Gomer Street Extension; on Gomer Street Extension to New York Highway 6; along Route 6 to the Village of Mahopac, N.Y., then in the reverse direction, along the same streets and roadways except upon reaching North Broadway in the city of White Plains, proceed along North Broadway to Hamilton Avenue; then on Hamilton Avenue to the bus terminal on Central Avenue and Main Street, White Plains, N.Y.; and

(2) *Passengers and their baggage*, commencing at the bus terminal on Central Avenue and Main Street, White Plains, NY, then proceeding on Main Street to North Broadway; on North Broadway to South Armory Place; on South Armory Place to Westchester Avenue; on Westchester Avenue to the entrance to the Westchester Expressway (Interstate Highway 287); proceeding on Interstate Highway 287 to interchange with Interstate Highway 87;

on Interstate Highway 87 to New York-Connecticut border; on Interstate Highway 287 in Connecticut to the New York-Connecticut border; then continuing on Interstate Highway 87 within the State of New York to New York Highway 35, Katonah, N.Y., on New York Highway 35 to Broad Street; on Broad Street to Granite Spring Road; on Granite Spring Road to Gomer Street; on Gomer Street to Gomer Street Extension; on Gomer Street Extension to New York Highway 6; along N.Y. Highway 6 to the Village of Mahopac, N.Y., then in the reverse direction, along the same streets and roadways except upon reaching north Broadway in the city of White Plains, proceed along north Broadway to Hamilton Avenue; thence on Hamilton Avenue to the bus terminal on Central Avenue and Main Street, White Plains, NY, as an alternate route for operating convenience only, serving all intermediate points in connection with (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at White Plains or New York, N.Y.

No. MC 134861 (Sub-No. 2), filed November 16, 1970. Applicant: DICKENSON LINES, INC., Route 1, Anoka, MN 55303. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round trip charter service, from points in Anoka, Hennepin, and Ramsey Counties, Minn., to points in the Upper Peninsula of Michigan, Minnesota, Wisconsin, Iowa, South Dakota, North Dakota, points in Illinois and north of U.S. Highway 30, and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134887 (Sub-No. 2), filed October 22, 1970. Applicant: JOSEPH A. BARTLINSKI, 18 Muth Street, South Amboy, NJ. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, NY 10022. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between the Boroughs of Brooklyn and Staten Island, in the city of New York and the plantsite of American Telephone & Telegraph Co., Piscataway, N.J., under contract with the American Telephone & Telegraph Co., Piscataway, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 135102, filed November 12, 1970. Applicant: ROBERT A. WIGMORE, 13552 16th Avenue, White Rock, BC, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* (specifically Canadian Customs Officials and their inspection paraphernalia), in special operations, with a subsequent return movement by rail, from the port of entry on the international boundary line between the United States and Canada at or near Blaine, Wash., to Bellingham and Mount Vernon, Wash..

under contract with Burlington Northern, Inc. NOTE: if a hearing is deemed necessary, applicant requests it be held at Bellingham or Seattle, Wash.

#### APPLICATION OF BROKERAGE LICENSE

No. MC 130134, filed November 13, 1970. Applicant: RONALD M. GERLACH, doing business as GERLACH TOURS, 3 West Diamond Avenue, Hazleton, PA. Applicant's representative: Pasco L. Schiavo, 305 Northeastern Building, Hazleton, PA 18201. For a license (BMC-5) to engage in operations as a broker at Hazleton, Pa., in arranging for transportation in interstate or foreign commerce of passengers and their baggage, in charter operations, beginning and ending at Hazleton, Pa., and extending to points in Pennsylvania, New Jersey, New York, Connecticut, Delaware, District of Columbia, Florida, Maine, Maryland, Massachusetts, New Hampshire, Ohio, Rhode Island, Vermont, Virginia, and West Virginia.

#### APPLICATION OF WATER CARRIER

No. W-457 (Sub-No. 5) (McALLISTER BROTHERS, INC., Extension—Steel (2)), filed November 30, 1970. Applicant: McALLISTER BROTHERS, INC., 17 Battery Place, New York, NY. Applicant's representative: Gordon P. MacDougall, 705 Ring Building, Washington, DC 20036. Application of McAllister Brothers, Inc., filed November 30, 1970, for a revised certificate authorizing extension of its operations under W-457 in interstate or foreign commerce, in the transportation of property, by towing vessels in the towage of barges loaded with structural steel, from ports and points in the State of Texas to New York, N.Y. (New York Harbor).

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 124211 (Sub-No. 166), filed November 16, 1970. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 DTS, Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Flour, foods, food products, and grain products, from Lincoln, Nebr., to points in Kentucky and Ohio. NOTE: Applicant states it holds authority in Sub-Nos. 18, 39, 62, 97, 105, 109, 118, 119, 121, and 127 which could be tacked with authority sought at Lincoln, Nebr.; however, tacking is not intended at present time.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[F.R. Doc. 70-16875; Filed, Dec. 16, 1970;  
8:45 a.m.]

[S.O. 994; ICC Order 26, Amdt. 7]

#### ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

##### Car Distribution

Upon further consideration of ICC Order No. 26 (Atchison, Topeka and

Santa Fe Railway Co.) and good cause appearing therefor:

*It is ordered, That:*

ICC Order No. 26 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1971, unless otherwise modified, changed, or suspended.

*It is further ordered, That* this amendment shall become effective at 11:59 p.m., December 31, 1970, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 11, 1970.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[F.R. Doc. 70-16979; Filed, Dec. 16, 1970;  
8:51 a.m.]

[Ex Parte No. 270]

#### RAILROAD FREIGHT RATE STRUCTURE

##### Investigation

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of December 1970.

It appearing, that in recent proceedings regarding general increases in railroad freight rates, a number of parties have taken the position that the application of general increases, particularly when measured as percentages of existing rates, has over the years caused a misalignment of rate relationships and a distortion of proper rate levels. As has been pointed out, the criteria for determining revenue need and the lawfulness of general freight rate increases including those set forth in section 15a(2) of the act, do not comprehend consideration of the extent to which overall movements of particular commodities contribute to net carrier revenue. (Increased Freight Rates, 1968, 332 ICC 714, 716). The Department of Transportation in its statement supporting the proposed increases filed in Increased Freight Rates, 1971, Ex Parte No. 267, recognizes that distinction and suggests a separate proceeding "to investigate all relevant rate structure issues." Among these issues are: (a) The possibly self-defeating nature of general rate increases with respect to generating revenues; (b) disparities and distortions in the basic rate structure; (c) uneven effects on individual railroads; and (d) lack of railroad incentive to improve service in line with shipper requirements;

It further appearing, that, in consideration of those matters, among others, the Commission is preparing to enter upon a thorough investigation of the railroad freight rate structure to, from, and within all rate territories.

It further appearing, that comparison of the results of rail burden studies for the years 1966 (the last full calendar year prior to the recent series of general increase cases) and 1969 (the last year for which traffic flow and revenue data may be reasonably available) should present factual data helpful in identifying any shifts in the relative burdens imposed on particular traffic groups as a result of the general rate increases, to determine the nature of further investigations.

It further appearing, that in the past, the Commission's Bureau of Accounts prepared such annual studies, entitled Distribution of the Rail Revenue Contribution by Commodity Groups, based on the application of costs derived from the Bureau's rail cost formula, Rail Form A, to traffic and revenue data derived from the Commission's Bureau of Economic's rail carload waybill sample. Subsequent to the discontinuance of the carload waybill sample by the Commission in 1968, due to budgetary stringency, the Commission entered into a memorandum of agreement with the Department of Transportation, dated July 16, 1970, under which the Commission made available to the Department railroad waybills and related documents received since 1967 from the railroads, as well as associated records, for processing the information contained therein as part of its comprehensive Freight Flow Data Program. The Department agreed to furnish to the Commission files, reports, or studies prepared from the information transferred under the agreement. Completion of the Department's processing of 1969 data is anticipated early in 1971. The rail burden study for 1969 is dependent upon the receipt of the rail carload waybill sample data for that year from the Department of Transportation, and a request therefor has been made; therefore,

*It is ordered, That* this proceeding be, and it is hereby, instituted to enable the Commission to develop a full record containing the views of all interested parties, and such materials and data as they may wish to present for the purpose of determining the nature of further proceedings.

*It is further ordered, That* all persons having an interest in the subject matter of this proceeding, and who desire to present evidence, views, or arguments may direct them to any relevant subject, but should cover the following:

1. The specific objectives or goal of the investigation;
2. The legal, economic or other issues which should be considered;
3. The kinds of statistical and other information which may be relevant to the investigation and the form in which data should be presented;
4. The procedures which might usefully be employed; and
5. A schedule of proposed procedural dates.

*It is further ordered, That* an original and 15 copies of such views be filed with the Commission within 60 days of publication of this notice in the Federal Register. Subsequent to evaluation of all pertinent information and views, an

order or orders will be entered instituting one or more investigations.

*It is further ordered,* That a copy of this notice be posted in the office of the Secretary of the Commission for public inspection, and that a copy be filed with the Director, Office of the Federal Register, for publication therein.

*And it is further ordered,* That this proceeding, as well as subsequent related proceedings, be, and they are hereby, referred to Division 2 of the Commission for administrative handling.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[F.R. Doc. 70-16977; Filed, Dec. 16, 1970;  
8:51 a.m.]

[Ex Parte No. 271]

## RAILROAD RATE BASE

### Net Investment

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of December 1970.

It appearing, that in considering railroads' petitions for general freight rate increases, the Commission has used the railroads' net investment in transportation property plus the original cost of the land and an allowance for working capital to measure the rate of return, as most recently discussed in Ex Parte No. 259, Increased Freight Rates, 1968, 332 ICC 590, 604-607, which is one of the elements entering into the decisions in general revenue proceedings; and that the Commission, as presently informed, remains of the view, without prejudging any conclusions in the pending proceedings in Ex Parte Nos. 265 and 267, Increased Freight Rates, 1970, and Increased Freight Rates, 1971, respectively, that such a rate base is proper;

It further appearing, that, however, the validity of such a rate base has been called into question by parties to various general increase proceedings, and in other matters before the Commission, and that there may be other interests whose views have not been made known; therefore,

*It is ordered,* That a proceeding be, and it is hereby, instituted to enable the Commission to develop a full record containing the views of all interested parties, and such materials and data as they may wish to present in support thereof, and to permit a determination of whether the rate base used for determining rate of return, or some other rate base, should be utilized by the Commission in the future.

*It is further ordered,* That all persons having an interest in the subject matter of this proceeding, and who desire to present evidence, views, or arguments pertinent to the issue of whether the rate base referred to above should or should not continue to be used for determining rate of return, or who otherwise desire to participate, shall notify the Office of Proceedings of the Commission of that fact, and of their position, within 30 days of publication of this order in the FEDERAL REGISTER; and that thereafter, a list of names and addresses of all persons upon whom service of all pleadings shall be served will be furnished, and at that time, the nature of further proceedings herein will be designated.

*It is further ordered,* That a copy of this order be posted in the office of the Secretary of the Commission for public inspection, and that a copy be filed with the Director, Office of the Federal Register, for publication therein.

*And it is further ordered,* That this proceeding be, and it is hereby, referred to Division 2 of the Commission for administrative handling.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[F.R. Doc. 70-16978; Filed, Dec. 16, 1970;  
8:51 a.m.]

[Notice 627]

## MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 14, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72406. By order of December 8, 1970, the Motor Carrier Board approved the transfer to DeCasper Brothers Freight Lines, Inc., 3 River Street, Bradford, PA 16701, of the operating rights in certificates Nos. MC-120449 (Sub-No. 2) and MC-120449 (Sub-No. 3) and corrected certificate No. MC-120449 (Sub-No. 5) issued April 27, 1966, Au-

gust 20, 1968, and April 7, 1969, respectively, to Peter P. DeCasper, Jr., and Herman DeCasper, a partnership, doing business as DeCasper Delivery, 3 River Street, Bradford, PA, authorizing the transportation of general commodities, with exceptions, between specified points in Pennsylvania and New York and composition cans and closures therefor, from the plantsite of R. C. Can Co. at Bradford, Pa., to Dundee, N.Y.

No. MC-FC-72413. By order of December 8, 1970, the Motor Carrier Board, on reconsideration, approved the transfer to Road-Rail Trucking Inc., Garden City, N.Y., of the operating rights in corrected certificate No. MC-52438 issued July 19, 1946, to Acme Transfer & Storage Co., Inc., New York, N.Y., authorizing the transportation of general commodities, except those in bulk, between points in New York and New Jersey within an area bounded on the east by Glen Cove, Garden City, and Hempstead, N.Y., on the south by Rockville Centre, N.Y., and South Amboy, N.J., on the west by Bound Brook, N.J., and on the north by Hawthorne, N.J., and White Plains, N.Y. Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603, and Thomas D. Shea, 156 William Street, New York, NY 10038, attorneys for applicants.

No. MC-FC-72477. By order of December 9, 1970, the Motor Carrier Board approved the transfer to Marten Transport, Ltd., Mondovi, Wis., of the operating rights in certificate No. MC-103798 (Sub-No. 3) issued February 17, 1959, to Roger Marten, Mondovi, Wis., authorizing the transportation of petroleum products, in bulk, in tank trucks, from New Brighton, Minn., to points in Buffalo, and Pepin Counties, Wis., and from New Brighton, Minn., to Eleva, Wis., and rejected shipments of petroleum products, from points in Buffalo and Pepin Counties, Wis., to New Brighton, Minn. Karl J. Goethel, 308 Third Avenue West, Durand, WI 54736, attorney for applicants.

No. MC-FC-72522. By order of December 9, 1970, the Motor Carrier Board approved the transfer to Passport Transport, Ltd., a corporation, St. Louis, Mo., of the operating rights in certificate No. MC-128916, issued March 25, 1968, to Wilma F. Gehron, doing business as Frosty's Delivery Service, Celina, Ohio, authorizing the transportation of antique cars and classic cars, in secondary movements, in truckaway service, and horsedrawn vehicles, in truckaway service between points in the United States, except Alaska and Hawaii. B. W. La-Tourette, Jr., 611 Olive Street, St. Louis, MO 63101, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[F.R. Doc. 70-16980; Filed, Dec. 16, 1970;  
8:51 a.m.]

## CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

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